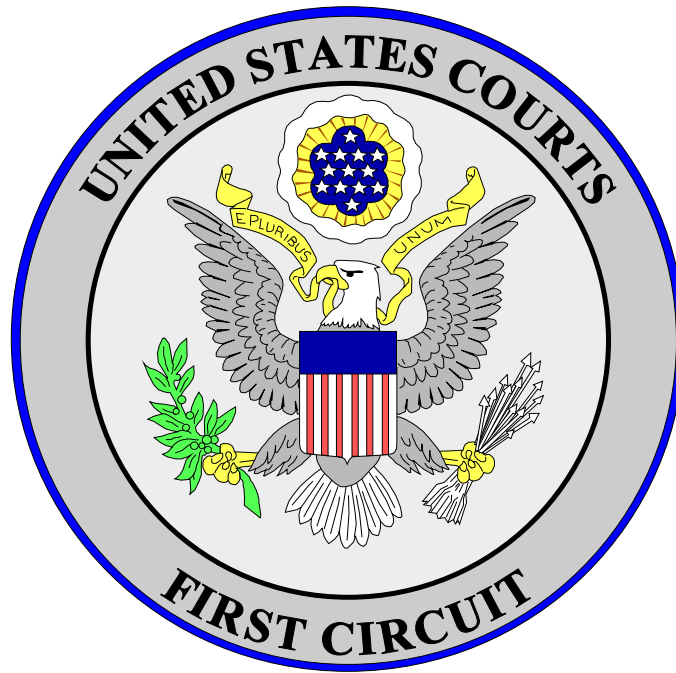


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2004

ANNUAL REPORT

**United States Courts for the First Circuit
2004 Annual Report**

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FOREWORD

by

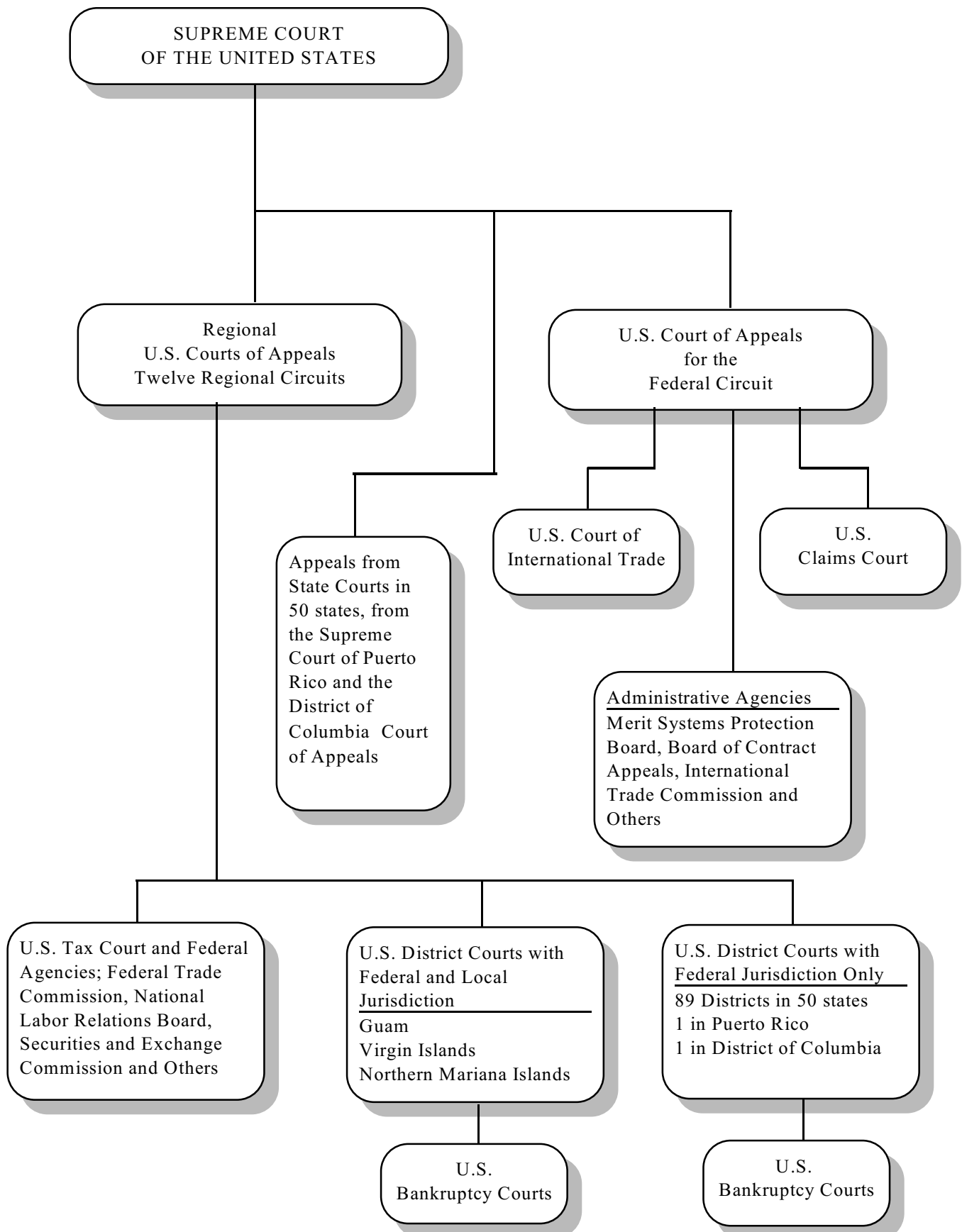
**Gary H. Wente
Circuit Executive**

The Annual Report provides the courts of the First Circuit with the opportunity to appreciate their achievements. A review of the material illustrates that the courts remain productive, efficient, and consistent from year to year. This Report reviews case filing statistics, employment trends, building projects, the implementation of a new automated docketing system (CM/ECF) in some of our courts, and numerous other developments. The scope of work conducted here is wide-ranging and ensures the effective administrative of justice in the circuit.

I would like to take this opportunity to thank everyone who provided the information and statistics that have been collected, especially our chief district judges and unit executives throughout the circuit. Personnel from the Statistics Division of the Administrative Office of the United States Courts provided us with the extensive data necessary to produce this compilation and deserve thanks for their accuracy and efficiency. I would also like to acknowledge the substantial efforts of Florence Pagano, who gathered and painstakingly edited the material presented here and Michelle Dumas, who assembled this final report.

Finally, and most important, the judges, court administrators, and court staff who dedicate themselves to the business of the courts on a daily basis deserve the highest praise. All should be proud of the many accomplishments highlighted in this Report.

Structure of the Federal Judiciary



**NARRATIVE REPORTS
OF THE UNIT EXECUTIVES
OF THE FIRST CIRCUIT**

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CLERK'S OFFICE

The Clerk's Office faced numerous changes and challenges in 2004 as staff managed a slightly declining caseload in a time of continuing budget cuts. Many veteran employees chose to retire in 2004, taking advantage of the opportunity offered by the judiciary. The Office did hire a new Chief Deputy Clerk, Margaret Carter. Margaret Carter's eleven years as a Staff Attorney made for a smooth transition to the second-in-command position at the Clerk's Office.

As another cost-cutting measure, the Bankruptcy Appellate Panel (BAP) Clerk's Office was consolidated into the Court of Appeals. In addition to the relocation of staff and files from the Thomas P. O'Neill Federal Building, BAP oral arguments are also now conducted at the John Joseph Moakley U.S. Courthouse.

The court struck a number of historic notes in 2004. Judges Coffin, Cyr and Lipez heard oral arguments at the Edward T. Gignoux U.S. Courthouse on October 4, marking the first all-Maine judge sitting in Portland. Also, the court sat for the first time in the refurbished courtroom in Ponce, Puerto Rico, in November. Other noteworthy events in 2004 included a visit to the courthouse by a delegation of Taiwanese judicial officers.

Clerk's Office staff participated in the continuing inaugural training program for Criminal Justice Act (CJA) panel members with sessions in Boston and Portland in 2004.

In June 2004, the court adopted amendments to its Internal Operating Procedures to reflect current practice or statutory requirements, to correct citations, and to provide additional information. In part, these amendments reflected changes to the filing fees, emergency motions procedures, and digital recording. In October 2004, the court adopted amendments to Local Rule 48 and Internal Operating Procedure VII which included relatively minor edits to the rules governing capital cases. These changes were a follow-up to the previous year's more significant amendments to Local Rule 48, and were designed to promote clarity, flexibility and logical consistency, to eliminate unnecessary language, and to delete references to rescinded provisions. In December 2004, the court adopted amendments to Local Rule 12 (clarifying the rules related to notices of appearance), Local Rule 30 (addressing sanctions for vexatious litigation), Local Rule 35 (encouraging short, concise briefs). New Local Rules 32.4, 38, and 40 were adopted to complement these efforts.

In fiscal year 2004, the Court of Appeals reported 1,723 filings, compared to 1,844 for fiscal year 2003, a 6.6 percent decrease. The court also reported a 4.5 percent increase in terminations from 1,573 in fiscal year 2003 to 1,643 in fiscal year 2004, and a 5.3 percent increase in pending cases from 1,521 in fiscal year 2003 to 1,601 in fiscal year 2004.

For the 12-month period ending September 30, 2004, the District of Massachusetts represented the largest source of appeals to the First Circuit (578). The District of Puerto Rico represented the second largest source (510). Appeals from Maine, New Hampshire and Rhode Island represented 143, 121 and 116, respectively. The remaining 255 appeals brought before the First Circuit in fiscal year 2004 were from the bankruptcy court, the tax court, administrative agencies and original proceedings.

In fiscal year 2004, the First Circuit continued to lead the nation with 32.8 percent of total filings comprising criminal appeals. The court's median time from the filing of a notice of appeal to final disposition was 11.2 months in fiscal year 2004, slightly higher than the national median time of 10.5 months.

OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2004, the office consisted of one senior staff attorney, one supervisory staff attorney, 17 attorneys (8 part-time, 9 full-time), and two and a half support persons.

For the calendar year 2004, the Clerk's Office referred the following numbers of matters per month to the staff attorneys' office for processing:

January	156	July	217
February	132	August	192
March	166	September	154
April	135	October	156
May	158	November	178
June	165	December	140

Total: 1,949

This figure represents a 17.6% increase over the referrals for calendar year 2003.

In addition, there were 138 *pro se* or HHS submitted cases, a 7% increase, and approximately 183 *sua sponte* summary dispositions in counseled, briefed cases, a 105% increase. However, many of these summary dispositions were due to United States v. Melendez-Santana, 353 F. 3d 93 (1st Cir. 2003).

Among the types of matters referred to the staff attorneys' office for research included in the 1,949 figure above were the following: applications for certificates of appealability, motions for summary affirmance, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, Anders briefs, motions for stay or bail, § 1292(b) petitions, applications to file an interlocutory appeal under Fed. R. Civ. P. 23(f), and many other miscellaneous matters.

In addition, one staff attorney worked on special projects for the court under Chief Judge Boudin's direction, including rule amendments, and court-sponsored seminars for training attorneys interested in CJA representation on appeal.

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the Court of Appeals who notifies the appellant of the program. The appellant is required to file a Docketing Statement both with the Clerk and Settlement Counsel in the form required by Local Rule 3(a). The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

The First Circuit's rule mandates mediation of all civil appeals, except habeas corpus, prisoner petitions, *pro se* cases, National Labor Relations Board (NLRB) appeals, enforcement petitions, and original proceedings, such as mandamus. Although the rule grants Settlement Counsel the discretion to decide in which cases the parties will be required to attend a pre-argument conference, it is the practice to require such a conference in all eligible cases unless the information supplied by the parties demonstrates, in the opinion of Settlement Counsel, that there is no reasonable likelihood of settlement. Such cases amount to a very small percentage of the cases eligible for the program.

When Settlement Counsel has been notified of a pending appeal, a conference is scheduled. The parties are directed to file a confidential memorandum at least one week prior to the scheduled conference containing extensive information, including, but not limited to: the history of prior settlement negotiations; major points of alleged error that precipitated the appeal; factual, legal and practical factors which may affect the outcome of the appeal (and/or terms of settlement); and express representations that the party will participate in the settlement process in good faith and maintain confidentiality. In addition, appellants are required to submit a copy of the orders, memoranda or opinions from which the appeal has been taken.

The conferences run generally from one to three hours with the norm being about two hours. In special circumstances, the conference may be conducted by telephone but in-person conferences are preferred because experience demonstrates that in-person conferences are much more likely to produce positive results. After the initial conference, settlement counsel may conduct one or more follow-up telephone conferences, and in some cases, have the parties appear for a subsequent in-person conference. At the conclusion of the process, settlement counsel files a report with the Clerk's Office indicating only that the case has been settled or that it has not been settled.

In calendar year 2004, one or more conferences were held in 256 cases, which produced 81 settlements or 31.6 percent of the mediated cases.

BANKRUPTCY APPELLATE PANEL

With the consent of the parties, the Bankruptcy Appellate Panel (BAP) hears appeals from decisions of bankruptcy judges from all districts within the Circuit. Twelve bankruptcy judges served on the Panel in 2004.

Major organizational changes occurred within the BAP this year. Judge Carol Kenner resigned as Chief Judge of the BAP in preparation for her retirement as a bankruptcy judge; Judge Enrique Lamoutte became the new Chief of the BAP. Also, Phoebe Morse resigned as Clerk to become United States Trustee for Region One and Clerk responsibilities were assigned to Richard Donovan, Clerk of the Court of Appeals for the First Circuit. Stephen Turner was named as BAP Coordinator overseeing administrative matters with a part-time case manager, while Amee Synnott and Gwen May addressed legal duties. As part of the realignment, the Clerk's Office of the BAP relocated from the O'Neill Federal Building to the Moakley Courthouse where Boston oral arguments are now heard. The BAP continues to hold hearings in San Juan, as well.

As BAP filings nationwide declined during Fiscal Year 2004, new appeals to the First Circuit BAP decreased by 42% in the period October 1, 2003 to September 30, 2004 from the previous twelve months. In the First Circuit, 64 cases were filed. This decrease in filings impacted all major statistical indices as case terminations dropped to 91 cases for a 14% decrease, and the pending caseload dropped to 28 cases, a 49% decrease. Written opinions were issued in 31 cases, down from 36 the previous year. The median time from notice of appeal to final disposition after oral argument rose slightly to 10.5 months, as did the median time from oral argument to disposition, at 3.8 months.

A review of all appeals from bankruptcy courts in the Circuit, both to the BAP and to the District Courts, reveals that, of 138 appeals, 46% were filed with the BAP and 54% were filed in the District Courts. The District of Massachusetts continued to be the largest source of BAP appeals, contributing 63% of new cases, while filings from the District of Puerto Rico increased to 22% during the fiscal year.

LIBRARIES OF THE FIRST CIRCUIT

There are four libraries in the First Circuit library system: the headquarters in Boston, plus branch libraries located in the District Court courthouses in Concord, NH; Hato Rey, PR; and Providence, RI. The Boston library provides primary service to the chambers staff in Maine and Massachusetts, and back-up services to the other locations. In addition to chambers and court employees, the Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The satellites are closed to non-court patrons, unless special permission is authorized by a judge of the court.

Personnel

The library is authorized 12.5 "work units," and began the year with 12 employees: 8 in Boston, 2 in Hato Rey, and 1 each in Concord and Providence. Two members of the Boston staff are part-time. Some of the unused salary money is used for contract filing services for the four libraries.

In July of 2004 library staff was reduced by one technician position in Boston. Other staff members worked diligently to absorb the resulting additional responsibilities. Lisa White, Electronics Resources Librarian, became the Disposal Officer (Lawbooks) for the circuit, and assumed responsibility for the national Excess Book List.

During this fiscal year, Evelyn Hurley, Cataloging Librarian, spent three months on maternity leave. Kristin Hathaway, Library Technician (Technical Services), began her maternity leave in September. Kristie Randall, Deputy Circuit Librarian, temporarily reduced her work schedule while studying for the Bar Exam. She was successful, and the library now has an attorney on staff. Scott Ciampa, Administrative Specialist, and José Garcia, Serials Technician, earned their 10-year pins.

As a cost-cutting measure, the Administrative Office (following the other branches of government) introduced a strictly voluntary program to court employees who were near-retirement to accept a bonus of up to \$25,000 to take early retirement. Fortunately, through careful financial management, it was determined that the library could retain the existing staff through September 30.

Financial Issues

An uncertain new fiscal year began on October 1, with a projected reduction in allotments and the Continuing Resolution which lasted for 4 months. The judiciary ended up with a 5% increase over FY-2003. But because of the rate of inflation in the publishing industry, the library actually received \$45,000 less for "lawbooks" than in the previous year. With cancellations done at the end of the previous year, an additional \$32,714 in subscription cancellations during the year, and careful management by Susan Lee, Technical Services Librarian, the library was able to meet its needs and even spend \$10,371 on new titles for chambers and the 4 libraries.

The Circuit Librarian initiated monthly financial meetings to track library expenditures, and FAS4T, the new accounting system, was implemented. With the change in financial responsibility, the Circuit Librarian (or Deputy Circuit Librarian) began to certify all vouchers for payment.

Technical Upgrades/Physical Improvements

The Boston library obtained a Xerox FAX machine, a 20" television set with built-in video and DVD slots, and a DVD player for the conference room. In addition, funding was received from the Electronic Public Access Committee to purchase a replacement Public Access Computer (PAC) which conforms with the GPO requirements for accessing electronic government documents. Finally, the Integrated Library System (ILS) software was upgraded; the framing of the final photos of First Circuit Judges was completed.

From August to December, the Library's courthouse model was loaned to the Center for Architecture in New York, in an exhibition entitled "Civic Spirit: Changing the Course of Federal Design. Design Excellence: Building for the American People." It celebrated the 10-year anniversary of GSA's Design Excellence Program.

One hundred thirty-one (131) new titles were added to the Boston collection, while 248 volumes were replaced. One hundred thirty (130) new records were added to Unicorn, while an additional 177 records were edited.

Outreach

The library's web page continues to evolve and expand. Stephanie Mutty, Providence Satellite Librarian and web master, works with the Library's Web Committee to bring a virtual library directly to everyone's desktop. In addition, she posts *Today's News* and a later update from the wire services to our web page's "Newsroom," and distributes them directly to the people on her distribution lists. She also distributes the *Federal Sentencing Guide* updates.

Juliana Hayden, Concord Satellite Librarian, has been distributing the First Circuit and U.S. Supreme Court opinion summaries from Findlaw. She also tracks key congressional bills connected with the budget. These, too, are distributed to a mail list and posted on the web page. *Library Notes* are distributed both in print and via the web page.

In June, library staff compiled and distributed a quick patron survey in order to obtain feedback on the library's services. Of the 67 surveys distributed throughout the circuit, 26 were returned. Judges, magistrate judges, law clerks, staff attorneys and judicial assistants responded. The feedback was valuable to discussions during the staff's 7th Long Range Planning Meeting.

Lisa White, Electronic Resources Librarian, alerts particular court staff when special FJTN programs are broadcast. These are shown in the conference room, and videotaped for future viewing and addition to the collection. Judges and staff bring case-related videotapes to view on our equipment. The library's new 20" TV/Video/DVD is also available to be borrowed and used in chambers.

One important service provided by the Boston library is the availability of public access computers (PACs), for word processing, legal research and internet access. These computers are configured in different ways and are available to court staff and the public. They are also heavily used by the court interns. Their use has increased from an average month of 115 users in 2000 to 170 users for the same month this year.

During the year, 4,027 people used the library, with April and July being the busiest months. Approximately, 1,708 books, law reviews, etc. were checked out of the library.

Finally, library staff continues to be active with Discovering Justice, the James D. St. Clair Court Education Project. Staff members are invited to serve as guest jurors during mock trials. In addition, Discovering Justice held two receptions in the library; one honoring Justice Nonnie Burns of the Massachusetts Superior Court, and one in memory of Richard Testa, of Testa, Hurwitz & Thibault.

Travel

Karen Moss, Circuit Librarian, attended the Circuit Librarians Advisory Committee Meeting in Washington, D.C. May 25-26, and the American Association of State and Local History meeting in St. Louis in September. Susan Lee, Technical Services Librarian, attended the Unicorn Users Group International (UUGI) meeting in St. Louis April 17-21, and the Integrated Library System (ILS) meeting in Washington, D.C. Juliana Hayden, Concord Satellite Librarian, filled in for Karen Moss at the Court Unit Executives meeting held in New Hampshire May 25-26. Lisa White, Electronic Resources Librarian, attended the CALR Meeting in Washington, D.C. September 22-23.

Training

Karen Moss, Circuit Librarian, attended the Stewardship Training in Miami October 27-30, and along with Susan Lee, Scott Ciampa and Kristie Randall, attended the FAS4T training in October. Susan Lee and Kristin Hathaway also attended the special ILS-FAS4T interface training.

Susan Lee, Technical Services Librarian, and Scott Ciampa, Administrative Specialist, attended the 5-day Procurement training August 30-September 3.

Finally, the *Internal Controls Manual* for the library was completed and is an appendix to the *First Circuit Court of Appeals Manual*.

Meetings

The annual Satellite Librarians Meeting was held on June 24. Ana Milagros Rodriguez, Hato Rey Satellite Librarian, attended the meeting; Gloria Malkin, Ellen Strbak and Leslie Campbell, all from the Administrative Office, participated by teleconference.

The next day, June 25, Kristie Randall hosted the 7th Long Range Planning Meeting. The focus was on concentrating services to the judiciary in the face of budget cuts.

In addition, Karen Moss, Circuit Librarian, attended the Heritage Preservation's Emergency National Task Force at the Museum of Fine Arts, and, along with Kristie Randall and Juliana Hayden, attended the Law Librarians of New England meeting held in Freeport, Maine, on April 29-30.

The 97th Annual AALL Meeting & Conference was held in Boston on July 10-14. Many staff members attended various programs and visited the Exhibit Hall. Karen Moss, Juliana Hayden, and Stephanie Mutty were members of the Local Arrangements Committee, and chaired the Opening Luncheon. Juliana Hayden and Stephanie Mutty were on the Committee.

Hato Rey Satellite Library

The library in Hato Rey serves eighteen judicial officers located in Hato Rey and Old San Juan. The district court provides messenger service between the two buildings. Fifty-three official translations of opinions from the Supreme Court of Puerto Rico were obtained for judicial officers, staff attorneys and law clerks from across the country. The library received a replacement Xerox copier, and the Satellite Librarian's desk was refinished.

Providence Satellite Library

The library in Providence serves ten judicial officers located in the courthouse, the Pastore Federal Building and The Federal Center. The annex space was relocated permanently to Room 515 in March. The shelving capacity remained the same despite the new configuration.

Concord Satellite Library

The library in Concord, NH provides service to seven judicial officers, plus the Circuit Justice when he's in Concord. The two bankruptcy judges are located in leased space in Manchester, NH.

**NARRATIVE REPORTS
OF THE DISTRICT COURTS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DISTRICT COURT

Following several months of training of court staff and practicing attorneys, the District Court went “live” on Electronic Court Filings (ECF) on October 1, 2003, making ECF mandatory for both civil and criminal filings. The reception to ECF by the Bar has been exceptionally positive. During 2004, 9,299 docket entries were made by outside attorneys and 2,817 filings were made by chambers staff. As of May 1, 2005, more than 1,275 attorneys have registered as ECF filers in the District of Maine and more than 1,125 attorneys and law firm staff members have attended ECF training. Renovations were made to the intake and reception areas at the Clerk’s Office in Bangor in order to accommodate ECF terminals for the filing public.

The District of Maine is one of seven courts participating in a pilot project, begun in January 2004, regarding the electronic availability of transcripts and the redaction of certain personal data information. The project initially applied only to civil transcripts, but was expanded effective June 15, 2004, to include criminal transcripts as well. Subject to the Judicial Conference’s policy regarding the redaction of personal data, all transcripts in the District of Maine are now available on PACER. When a transcript is filed, a notice with a hyperlink to the transcript is electronically sent to counsel, who must within 5 days file a notice of redaction with the Clerk, if that party wants to have any personal data redacted from the transcript. If a notice of redaction is filed, the official transcript will not be made remotely electronically available to the general public until the redacted transcript is filed (within 21 days). If no notice is filed, the Clerk’s Office will make the transcript publicly available on the web at the close of the fifth business day. The pilot project will run through the Summer, 2005.

In March, 2004, the District of Maine was also chosen to be one of seven Beta Courts for the implementation of the Civil/Criminal Accounting Module (CCAM), an enhancement to the FAS4T financial program that integrates the civil and criminal accounting and cash receipting functionality with FAS4T. As a Beta Court, the Clerks Office assists the Administrative Office in making operational decisions that impact how the CCAM software is used by, and deployed to, other courts, and serves as a part of the core group of mentors providing support to courts that will implement CCAM in the future.

During 2004, the electronic court recording system, For The Record (FTR), was installed in all the courtrooms in both Portland and Bangor so that proceedings need not be cancelled due to the unavailability of a court reporter. Also, during the year, the Telephone Interpreting Program (TIP), which provides remote interpreting services in short proceedings, such as initial appearances, arraignments, and probation and pretrial services interviews, when certified or otherwise qualified interpreters are not locally available, was made accessible in all courtrooms in both courthouses.

In May, District Judge D. Brock Hornby was appointed by Supreme Court Chief Justice William Rehnquist to a committee (chaired by Justice Stephen Breyer) to evaluate and report on the way the Judicial Conduct and Disability Act of 1980 has been implemented and to study, generally, the federal judiciary’s response to claims of judicial misconduct.

On July 16, 2004, family, friends, colleagues and law clerks of Senior District Judge Gene Carter gathered at a ceremony at the courthouse to honor Judge Carter and to observe the presentation of his bust, which is a gift to the court from the Judge's law clerks and family. The bust was sculptured by Maine artist Joseph R. Query and rests on a podium in the rear of Courtroom One, where Judge Carter presided for 20 years.

Magistrate Judge David M. Cohen, who has served in that capacity since 1988, was reappointed for a new 8-year term, effective October 11, 2004. William S. Brownell, District Court Clerk, and a Part-time Magistrate Judge since 1979, was reappointed to the latter post for a new 4-year term, effective March 17, 2004.

In June, 2004, the District was one of eight court sites visited by the IBM team conducting the Study of Administrative Services (SAS) undertaken by the Administrative Office in response to requests from the Judicial Conference's Budget and Judicial Resources Committees. The purpose of the study is to assess the efficiency and effectiveness of alternative methods of delivering administrative services within the court.

On October 4, 2004, an historic sitting of the First Circuit Court of Appeals was held, when a panel consisting of the three Maine Circuit Judges sat at the Gignoux Courthouse in Portland. Circuit Judge Kermit Lipez presided; he was joined by Senior Circuit Judge Frank M. Coffin and Senior Circuit Judge Conrad K. Cyr.

More than 350 judges, attorneys and guests attended the 2004 District of Maine Judicial Conference which was held October 21-22, 2004, at the Samoset Resort in Rockport. The theme of the Conference was "Maine, the Law and the Economy" and the program included presentations by Michael Gallis, a national expert in regional development strategies, and Paula Valente, the author of "No Place to Hide - Confronting Maine's Economic Future." There were interesting breakout sessions for the bankruptcy, civil and criminal bar, and the highlight of the conference was the plenary session, a round-table discussion moderated by Professor Arthur Miller entitled "The Disappearing Civil Trial."

Acting on a request from the District Court, the Judicial Conference Committee on Defender Services, at a meeting in December 2004, approved the establishment of a Federal Public Defender (FPD) position in the District of Maine. Maine is currently one of only 9 remaining districts without a defender program. Once established, the Maine FPD will have offices in both Portland and Bangor, with an assistant defender and support staff in both locations.

During calendar year 2004, the number of new criminal defendants in the District of Maine increased approximately 15%, from 236 new defendants in 2003 to 272 new defendants in 2004. The number of new civil cases filed in the District remained relatively even, 508 in 2004 and 527 in calendar year 2003. Finally, in December 2004, the Clerk's Office unveiled a new website (www.med.uscourts.gov), which has been found to be very informative, attractive and easy to navigate.

BANKRUPTCY COURT, DISTRICT OF MAINE

In 2004, the Maine Bankruptcy Court made a major commitment to strategic planning. Both judges and the management team met with Dale Lefever to establish a plan and have worked hard at accomplishing the goals developed. The court also made a commitment to the personal and professional growth of its staff by sending five people to the FJC's Federal Court Leadership Program and two people to Individual Development Plan training.

During 2004, the mantle of Chief Bankruptcy Judge passed from Judge Haines to Judge Kornreich. Judge Kornreich completed his active service as a visiting judge in the Delaware Bankruptcy Court. He will retain the appointment through 2005, but is no longer traveling there on a regular basis.

Judge Haines continued his service as Chair of the Federal Judicial Center's Bankruptcy Education Committee and his service on the Court Administration and Case Management Committee of the Judicial Conference. He also continued as liaison from the National Council of Bankruptcy Judges to the National Council of Bankruptcy Clerks.

Staff committee appointments in 2004 include Alec Leddy to membership on the MR subcommittee of the Bankruptcy CM/ECF Working Group, and Kathy Reyerling to membership in the FJC's Professional Education Initiative, which is working on defining management and leadership competencies and behaviors for court units.

Despite a record 29 Chapter 11 cases filed in June, 2004, case filings declined 3.4% over the previous year. Chapter 7 filings, which make up nearly 90% of the Maine total, declined 5% from 2003, while Chapter 13 filings increased 4% over 2003 and Chapter 11 filings increased over 400%. Filings of adversary proceedings continued to fluctuate wildly, decreasing nearly 22% from 2003's record level, in comparison to the over 85% increase in the prior year. Once again, the court was able to end the year with a slight decrease in the pending caseload.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE

In the District of Maine, there was a significant increase in the overall workload. In 2004, the number of pretrial cases activated reached an all-time high (287), as did the number of pretrial cases received for supervision (128). On the probation side, there was a noteworthy 40% increase in the number of presentence reports completed (257). However, there was a moderate decrease in the number of post-conviction supervision cases (343).

In automation, fiscal year 2004 was a year of standardization. The office successfully migrated from Windows Server 2000 and Outlook mail to Novell NetWare and Lotus Notes with little or no interruptions. The desktop environment in Portland was standardized on Windows XP to simplify desktop support. We also adopted a change in cyclical desktop replacement period from 3 to 5 years to support cost containment initiatives. Finally, the network infrastructure was stabilized and improved with the replacement of two aging network switches.

Three important tools were added to support officers during this fiscal year. The first was an imported upgrade to PACTS, version 3.0, which included the introduction of the automated case plan. The next tool was the implementation of JABS (Joint Automated Booking System) which also includes LEO (Law Enforcement On-Line). This tool set provides instant access to offender arrest information and photographs. The final addition was the upgrade of WordPerfect from the unsupported Version 8 to the supported Version 11. This project required the conversion of 400+ macros to support the various forms used by the office. Some of the major training topics provided to staff this year included the new monographs for post-conviction supervision and pretrial supervision, sex offender training, a retirement seminar and Pacts training.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

On July 30, 2003, President George W. Bush nominated F. Dennis Saylor IV to become the next United States District Court Judge from the District of Massachusetts. Judge Saylor was sworn-in by Chief Judge William G. Young on June 15, 2004, thus becoming the 42nd district judge in the history of the court. He was nominated to the seat vacated by Judge Robert E. Keeton, who took senior status after twenty-four years of service. A formal investiture ceremony for Judge Saylor was conducted at Mechanics Hall in Worcester, Massachusetts on September 29, 2004.

With the appointment of Judge Saylor, the District Court returned to a full complement of thirteen active District Judges. The court continued to benefit tremendously in 2004 from the work of Senior District Judges Walter Jay Skinner, A. David Mazzone, Robert E. Keeton and Edward F. Harrington. Senior District Judge Morris E. Lasker of the Southern District of New York, sitting by designation, also provided exceptional service to the court.

A more somber note: Senior Judge A. David Mazzone passed away on October 25, 2004. A true gentleman, it was said that Judge Mazzone left behind possibly the greatest environmental legacy of any judge in New England's history.

For the fourth consecutive year, Chief District Judge William G. Young hosted a visiting judge from Japan. Assistant Judge Hisako Isogai from the Osaka District Court, who was in Boston continuing her studies at Harvard University, periodically observed court sessions in Chief Judge Young's courtroom from January through April.

Judge Mark L. Wolf served on the Codes of Conduct Committee of the Judicial Conference in 2004. The Committee provides advice on the application of the Code of Conduct for United States Judges and other judicial branch codes of conduct and Titles III and IV of the Ethics Reform Act of 1989. He also traveled to China for the Department of State to speak to judges, law students, public officials and journalists.

Judge Nathaniel M. Gorton continued his term of service on the Foreign Intelligence Surveillance Court to which he was appointed by the Chief Justice in 2001. Judge Gorton is serving a seven-year, non-renewable term as one of eleven district judges that is required to sit in Washington, D.C. five or six times each year to consider petitions relating to the electronic surveillance and/or physical search of foreign agents. Judge Gorton's permanent duty station was switched from Worcester to Boston in June 2004 when Judge Saylor was designated by the court to sit in Worcester.

The Honorable Richard G. Stearns traveled twice to Budapest and once to Bucharest to serve as a rule of law advisor to the Department of Defense in working sessions on nuclear counter-proliferation and terrorism with delegations from Bulgaria, Romania, and the Republic of Georgia. Judge Stearns continued to serve as a Trustee and the Chair of the Science and Research Committee at Vincent Memorial Hospital (the women's hospital at Massachusetts General Hospital). He also gave the commencement address and received an honorary degree from Southern New England School of Law.

Judge Reginald C. Lindsay was a featured speaker at the celebration of the 50th anniversary of *Brown v. Board of Education*. The event was held on May 13, 2004 at the Moakley Courthouse and sponsored by Facing History and Ourselves.

Judge Patti B. Saris continued her term of service as Chair of the Defender Services Committee of the Judicial Conference. The Committee funds about 169,000 criminal representations per year and has a budget of over 600 million dollars. Judge Saris has served on the Committee for eight years. The jurisdiction of the Committee includes Federal Defender offices and attorneys appointed to the panel under the Criminal Justice Act. In addition, the Committee also funds attorneys appointed to represent *habeas corpus* petitioners. Judge Saris most often presides in Courtroom #19, one of four electronic courtrooms in the Boston Courthouse.

In recognition of her efforts on the bench, the Honorable Nancy Gertner received the “Judicial Excellence Award” for 2004 given by Lawyers Weekly at their annual Celebration of Excellence in the Law program. Judge Gertner also concluded the second year of a three-year term on the Information Technology Committee of the Judicial Conference. The Committee provides general policy recommendations and planning oversight of the judiciary information technology program. In addition to teaching a course at Yale Law School, Judge Gertner gave a panel presentation at Haifa University Law School in Israel on Civil Liberties and Terrorism Prosecution. She also traveled to China (Shanghai and Beijing) and Vietnam to teach. She is a member of the Advisory Board of the American Bar Association’s Central European and Eurasian Law Initiative (CEELI) and attends biannual meetings of the Board in Washington, DC.

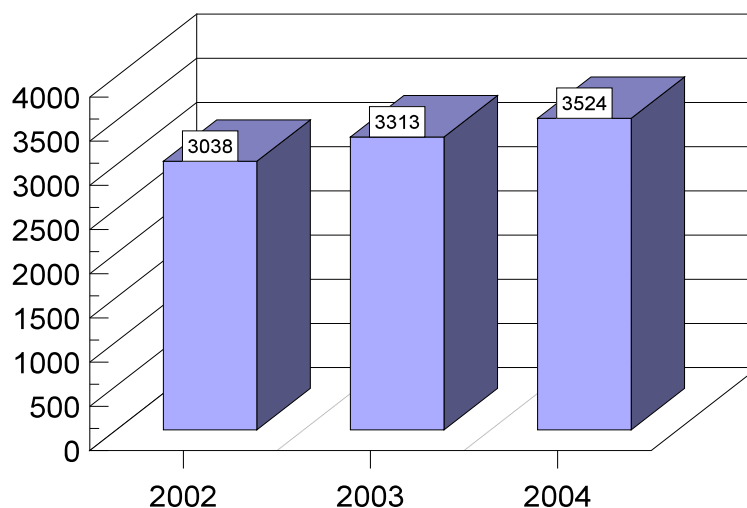
In December 2004, Judge Michael A. Ponsor concluded his second three-year term as a member of the Judicial Conference Committee on the Magistrate Judge System and ended his service on that Committee. The Committee provides oversight of the federal magistrate judges system.

Judge George A. O’Toole continued his term of service as a member of the Committee on Security and Facilities of the Judicial Conference. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the judiciary’s space and facilities requirements, security of the courts and the federal judiciary, and security for court proceedings and court facilities.

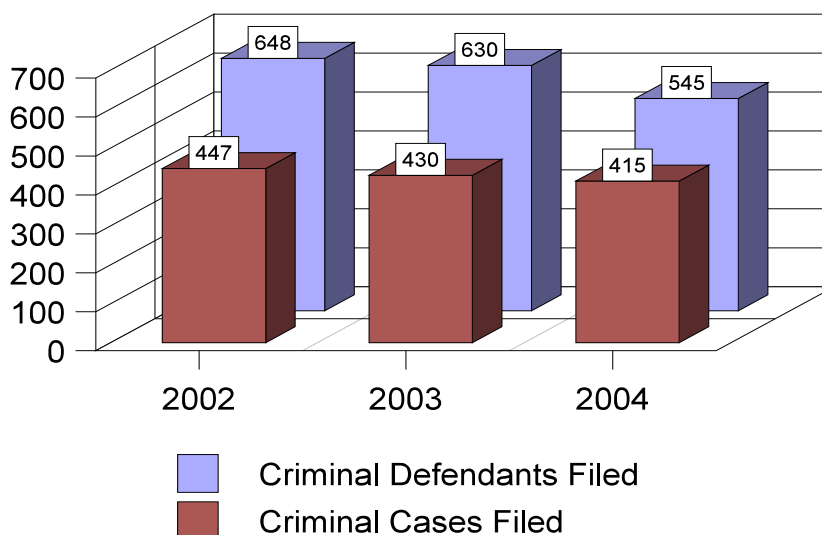
During calendar year 2004, the court continued to move toward full participation in Case Management/Electronic Case Filing (CM/ECF). Three district judges required mandatory electronic filing. Clerk’s Office staff trained an additional 845 attorneys and/or their support staff on CM/ECF in 2004. As a result, 15% of all ECF entries made during the year were performed by counsel rather than scanned by Clerk’s Office personnel.

In 2004, the District Court opened 3,524 civil cases and disposed of 3,549 civil cases. At year-end, 3,670 civil cases were pending.

Civil Filings



Criminal Filings

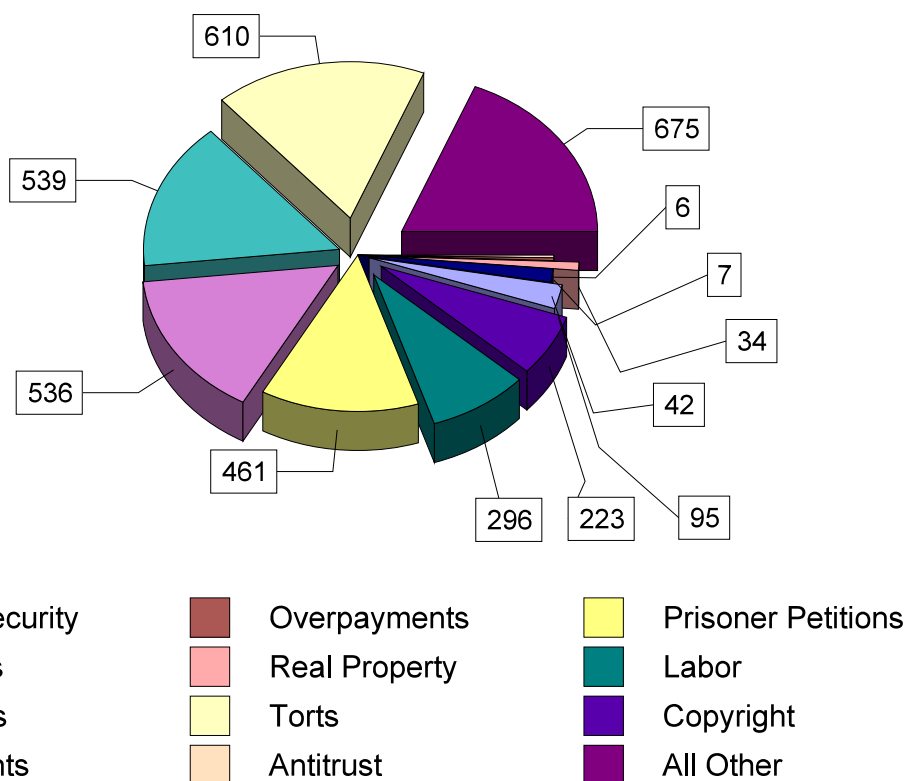


The court opened 415 criminal cases involving a total of 545 defendants in 2004. A total of 315 criminal cases and 439 criminal defendants were closed. At the conclusion of the year, 1,384 defendants had charges pending.

Torts (up 28%) and prisoner petitions (up 17%) showed the most significant growth in civil case filings in Massachusetts in 2004. Other types of civil cases showing moderate increases were social security cases (up 13%), civil rights cases (up 11%), and labor cases (up 8%). Overall, the number of civil cases filed increased 6% over 2003.

CIVIL CASE FILINGS BY NATURE OF SUIT
For the 12 Month Period Ending December 31

2004 Civil Case Filings By Nature of Suit



	2002	% Change	2003	% Change	2004
Social Security	86	-2%	84	13%	95
Overpayments	6	66%	10	-30%	7
Prisoner Petitions	342	15%	395	17%	461
Tax Suits	38	31%	50	-16%	42
Real Property	149	-62%	56	-39%	34
Labor	222	23%	274	8%	296
Contracts	519	4%	540	-1%	536
Torts	446	7%	476	28%	610
Copyright	193	26%	243	-8%	223
Civil Rights	479	2%	487	11%	539
Antitrust	30	13%	34	-82%	6
All Others	528	26%	664	2%	675

BANKRUPTCY COURT, DISTRICT OF MASSACHUSETTS

The year 2004 was another busy year with much of the court's efforts centered on the Electronic Case Filing (ECF) program. After opening ECF to all attorneys in June 2003, the court continued to train attorneys at a fever pitch, usually conducting three classes a week in Boston, and one or two in both Worcester and Springfield. The training was made more accessible by offering the class on Friday evenings at a computer facility at the Massachusetts School of Law. By the end of the year, staff had trained nearly 700 attorneys and issued waivers to more than 300 attorneys who had been trained in another jurisdiction.

At its spring meeting, the Court's Attorney Advisory Committee recommended to the court that ECF be made mandatory for all attorneys. After careful consideration, the bankruptcy judges voted to make ECF mandatory for attorneys as of January 1, 2005. The reaction to ECF has been overwhelmingly positive. See e.g., "Why I Love ECF," Warren Agin, Debt, March/April 2005.

The court's efforts in ECF in 2004 were focused on several areas: meeting the increasing demand for training in light of the advent of mandatory ECF; enhancing the functionality of ECF for the attorneys and court staff; and further development of CHAPS, a local software program that allows for the electronic transfer of documents and information between chambers and the Clerks' office. Initially developed by the bankruptcy court in Utah, the Systems Department wrote additional code that allows CHAPS to serve as an electronic hold drawer, an endorsement order signing program, and a scheduling system. Images can be sent from the Clerk's Office into chambers and images can be pulled from ECF into CHAPS and viewed in chambers or in the courtroom, thus enabling judges to become entirely paperless. All five judges' docketing sessions currently use CHAPS, and all operations are substantially paperless, relying solely on various reports to track the electronic documents.

One major task in 2004 was the revision of the local rules. Working with the court's Attorney Advisory Committee that was formed in 2003, the court revised more than thirty of its local rules to adjust to electronic filing and to refine its rules to enhance the practice for the bench and the bar. The Committee held four meetings to work on these amendments. The revised rules were advertised for comment, and after consideration of the comments, they were submitted and approved by the District court and became effective on January 1, 2005. Among the rules is a provision to provide creditors limited access to ECF to file proofs of claim, assignments of claims, and notice of appearance. This has resulted in more efficient docketing of volume pleadings.

The judges continued the tradition of serving the bar and the public by participating in numerous educational forums throughout the Commonwealth and the country. The judges participated in seminars on the new local rules in Boston, Worcester, Springfield and New Bedford; presentations on ECF in Boston and Worcester; "Nuts and Bolts" programs in Boston and Roxbury; Volunteer Lawyers Service programs in Worcester and Springfield; a Neighborhood Legal Services training program in Boston; a Recent Developments Seminar in Springfield; and legal practice skills and mock trials at several law schools. Several judges served as panelists on local, regional and national programs presented by entities such as Massachusetts Continuing Legal Education, the Boston Bar Association, the Practising Law Institute, the National Association of Consumer Bankruptcy Attorneys, and the American Bankruptcy Institute.

Chief Judge Feeney also initiated the joint Bankruptcy Court/Boston Bar Association Task Force on Financial Literacy to design and teach a program on financial literacy to the state's high school students. The Task Force wrote a lengthy report and began teaching at Dorchester High's Academy for Public Service this spring and has plans to expand into more schools this fall. Each of the bankruptcy judges has volunteered to teach part of the course.

In addition to handling a full caseload, four of the bankruptcy judges sit on the Bankruptcy Appellate Panel for the First Circuit. Chief Judge Joan N. Feeney serves on the Administrative Office's Bankruptcy Judges Advisory Group and is also on the board of the National Conference of Bankruptcy Judges. Judge William Hillman continues to serve on the Judicial Conference's Committee on the Administrative Office.

While 2004 was notable for many reasons, perhaps the most notable was the unexpected resignation of Judge Carol J. Kenner in July 2004. After 18 years of service, Judge Kenner decided to step down to spend more time with her family and to pursue other interests. In response to the vacancy left by Judge Kenner, noted bankruptcy attorney Robert Somma was sworn in as a bankruptcy judge on December 31, 2004.

Statistically, there were more than 18,054 bankruptcy filings in the District in FY 2004, an increase of .07% over the prior year. Meanwhile, between the buy-out that was offered and resignations, Clerk's office staff declined by a total of six people in 2004.

PROBATION OFFICE, DISTRICT OF MASSACHUSETTS

In many ways 2004 was a year of change for the Probation Department in the District of Massachusetts - an experience shared by most districts throughout the country. Due to budgetary concerns and changes in work formulas, we endured an eight level reduction in authorized work units from 79.1 to 71.1. This reduction was accomplished without the need for layoffs or furloughs as a result of mandatory retirements, buyouts, voluntary resignations, and conservative hiring practices. Despite a reduction in work force, the Probation Department continued to serve the court effectively and efficiently by completing high quality presentence reports in a timely manner and enforcing court ordered conditions without a reduction of services to offenders.

The Supreme Court's June 24th decision in Washington v. Blakely cast doubt on the constitutionality of the sentencing guidelines and, therefore, significantly impacted the Presentence Unit. Following the Blakely decision, the government modified its charging instruments, many cases were continued, and in those cases for which sentences were imposed, judicial interpretation of the Blakely decision varied. Overall, the Presentence Unit realized a historical low in the number of presentence assignments, and a historical high in the number of cases sentenced without presentence reports. In 2004, a total of 465 cases were assigned. This total represents a decrease of 57 assignments from the previous year. This reduction appears to be due, in part, to the fact that approximately 40 defendants were sentenced without presentence reports during 2004. Despite having to deal with guideline changes and the implications of the Blakely decision, the Presentence Unit

worked on two major initiatives: a critical self-assessment and the development of a new evaluation instrument for officers and clerks.

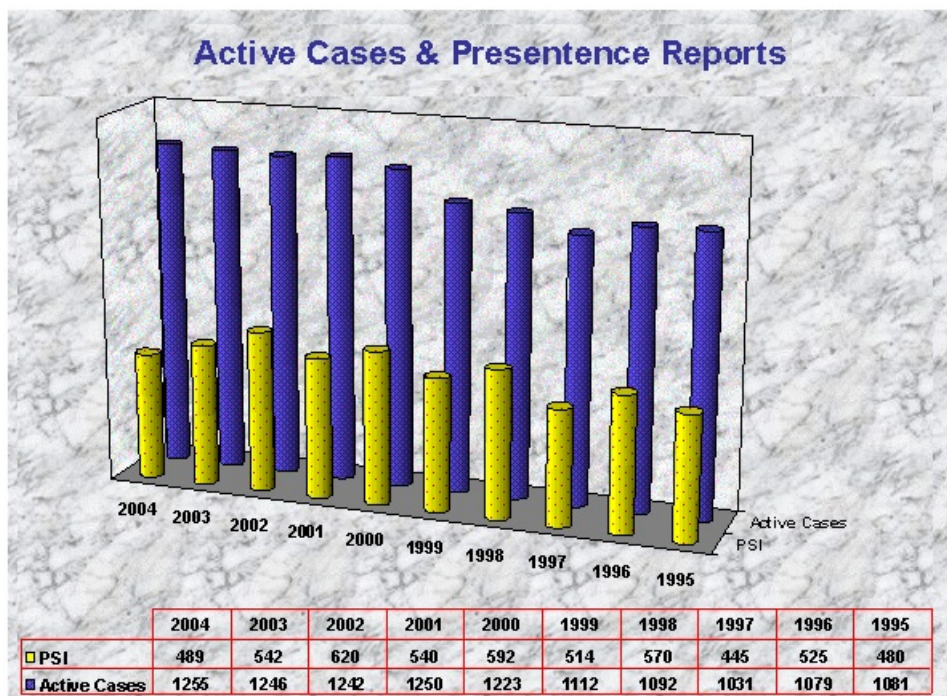
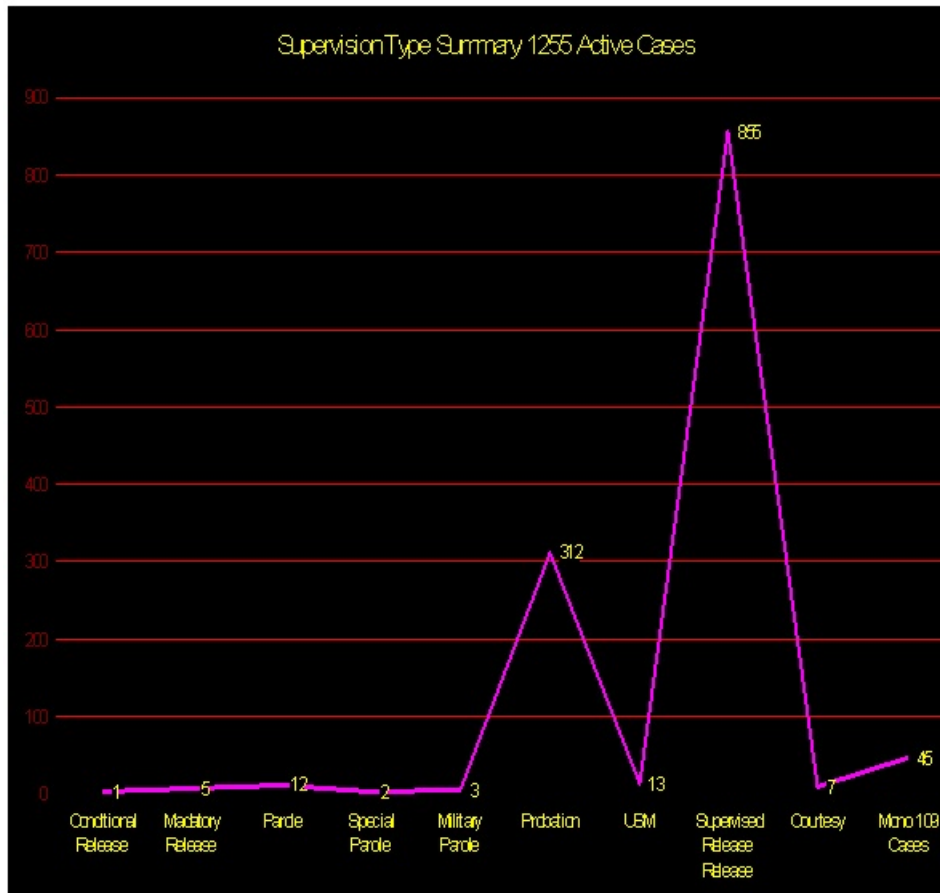
The Supervision Unit experienced a major change with the implementation of Monograph 109 which improved the case planning process in an effort to assist officers in managing time and paperwork. A significant feature of this monograph is that the officer and supervisor jointly discuss supervision plans and work together to ensure favorable outcomes. The number of offenders under supervision in this district remained constant (1255); however, while the number of violations decreased, the number of reports to the court increased. The Supervision Unit continued its hard work in all areas despite staff reductions, by controlling risk and effectively monitoring court ordered conditions. The Unit's major new initiative in the area of employment services continued to flourish, while not diminishing other longstanding projects.

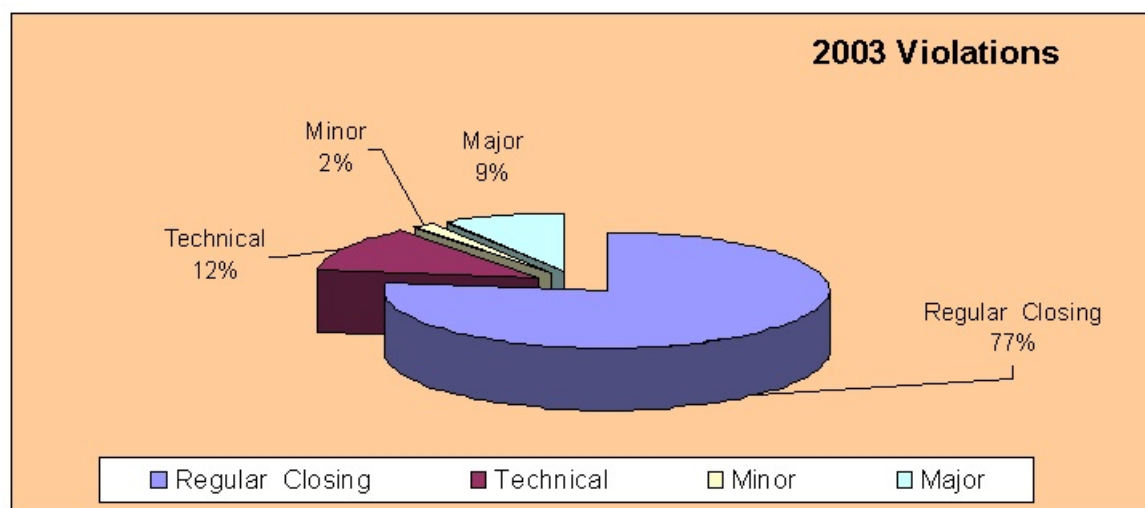
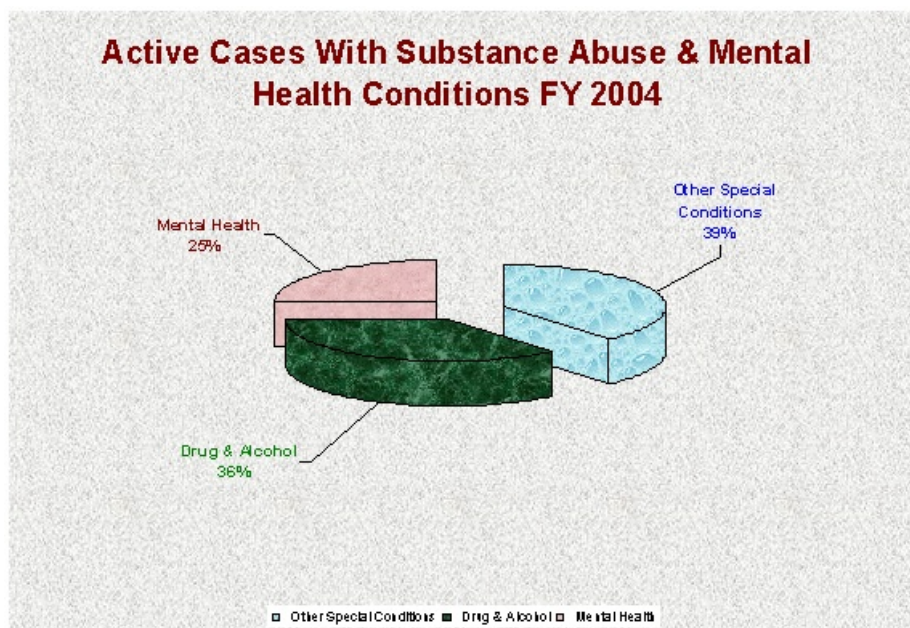
Noteworthy is the fact that Robert Ryan retired on November 30th after five years as Chief Probation Officer. During his tenure, Bob made a significant contribution to the district in the area of officer safety by ensuring that officers were provided with the very best in safety training and safety equipment such as safety vests, capstun, and cell phones for communication. Bob also encouraged other initiatives such as the Victim Impact Seminar, FEDfacts, and the Probation Department's Re-entry program. In the final analysis, Bob is widely viewed as a leader who successfully implemented policies and procedures that guided and will continue to guide the Probation Department on a positive and productive path.

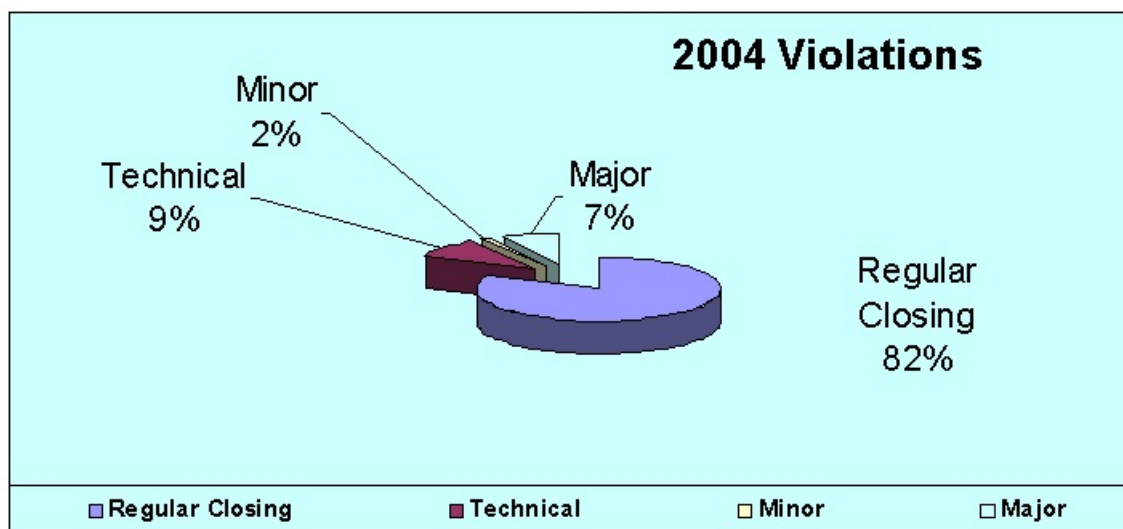
As we look towards the future, there is no doubt that we will face challenges as we adapt to changes in the law and projected economic shortfalls. However, faced with these changes, we must remember that change for the most part is good and provides opportunities for growth and improvement. The key for the Probation Department as an organization will be to continue to adapt to changes while adhering to our organizational values. As an organization, we must remain true to our mission to facilitate the fair administration of justice and to provide continuity of services throughout the judicial process.

The Probation Department must continue to strive for effective communication and consistency. Through honest and open communication, we will be able to achieve and maintain balance as we seek to serve the court and the public. While practicing good communication, we must train ourselves to hear, and proactively process the unexpected, and in doing so, we will be able to achieve our desired outcome of having a positive and meaningful impact on those entrusted to our care.

The following graphs provide a statistical overview of the Probation Department's workload.







PRETRIAL SERVICES OFFICE, DISTRICT OF MASSACHUSETTS

Staffing and Training

U.S. Pretrial Services staffed offices at three sites in the district. Two pretrial services officers were located in the Federal Building and Courthouse in Springfield, and one pretrial services officer was located in the Harold D. Donohue Federal Building and Courthouse in Worcester. At the start of the fiscal year, the main office in the John Joseph Moakley U.S. Courthouse in Boston was staffed by the chief pretrial services officer, one supervisory pretrial services officer, one drug and alcohol treatment specialist, one home confinement/electronic monitoring specialist, and five line pretrial services officers. The Boston office also housed the following support personnel: one budget analyst; one PACTS (Probation and Pretrial Services Automated Case Tracking System) support technician; and one pretrial services clerk. In July, the chief pretrial services officer retired. The supervising pretrial services officer was promoted to chief and a line officer was promoted to supervising pretrial services officer leaving a total staff at the end of the fiscal year of fourteen employees. Personnel assistance was received through the Human Resources Division of the District Court Clerk's Office in a continued commitment to the concept of shared administrative services.

The Federal Judicial Center's Television Network (FJTN) continued to provide varied informational programs and training opportunities for staff. All officers underwent training for implementation of the Supervision of Federal Defendants: Monograph 111. Training was provided on the multiple supervision issues which arise when dealing with defendants such as substance abusers, sex offenders, and defendants exhibiting mental health issues. New initiatives in officer safety training were undertaken including the formation of a Regional Officer Safety Program with other New England districts. The PACTS support technician attended training in San Antonio, Texas on the application of that data base. This office also continued its participation in a regional CISM Team (Critical Incident Stress Management) along with the U.S. Probation Office and the Districts of Maine, New Hampshire, Vermont, and Rhode Island.

Space and Equipment

All three locations were operating in adequate space although the situation in Springfield will be much improved in the new courthouse. The office procured several upgrades in the computer equipment area which increased the ability to stay abreast of technological advances. Each officer received an upgraded personal data assistant (PDA).

Policies and Procedures

As in prior fiscal years, communication between this agency, the U.S. Marshal's Service, the U.S. Attorney's Office, and the staff of the magistrate judges as well as the district judges continued to be excellent. Information on arrests and summonses on criminal complaints and indictments was readily available. In January, an initiative called the Attorney Pilot Project began which required that all defendants, prior to the pretrial services interview, have access to defense counsel. The impact of this project did result in a reduction in the number of interviews performed by pretrial services. Even where defendants, on advice of counsel, declined to be interviewed, or access to the defendants was delayed pending the authorization to interview, investigative reports were provided in virtually every case including prior criminal records and other pertinent information available from collateral sources. From January 2004 to September 2004, a total of 349 defendants arrested in this district were subject to this project. Of that number, 182 interviews were conducted either prior to the initial appearance or prior to the detention hearing. A total of 167 defendants declined to be interviewed.

On the other end of the federal criminal justice system, communication and sharing of information with the U.S. Probation Office remained constant. Probation officers preparing Presentence Investigation (PSI) reports had access to the file of each defendant convicted or entering a plea of guilty. Pretrial Services continued to provide release status letters to the judicial officers, the probation office, the prosecution, and defense counsel at the time of conviction or disposition. Each letter outlined compliance with release conditions over the course of the individual's pretrial release.

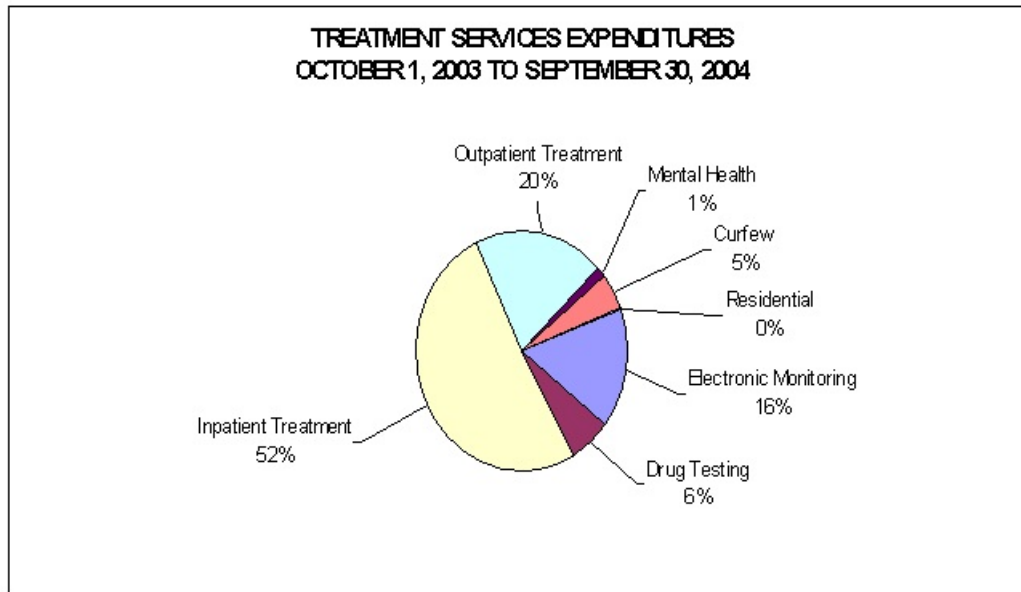
Electronic Monitoring, Treatment and Other Services

Electronic monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. In this fiscal year, 96 defendants were released for 15,775 days at a cost of \$54,739 (\$3.47 per day). The cost for their continued detention would have approached \$1.2 million (\$63.57 per day).

An additional 69 defendants were supervised by using a computer based voice recognition system which monitored a court imposed curfew condition. Approximately \$17,000 was spent on the Voice ID system.

Not surprisingly, a great many defendants admit to, or test positive for, substance abuse. Submitting to substance abuse testing is an extremely valuable condition of pretrial release. During the reporting period, approximately 1845 urine samples were obtained from defendants.

The office used both hand held testing instruments and the national urinalysis laboratory. Approximately 330 sweat patch tests were conducted. Total cost for substance abuse testing exceeded \$36,000.

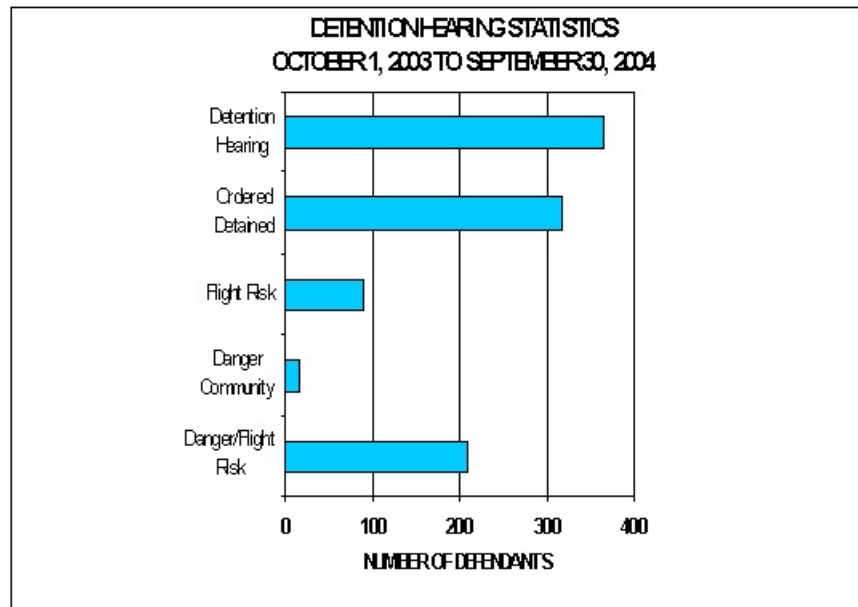


Thirty four defendants were required as a condition of their pretrial release to participate in one of the inpatient substance abuse treatment programs eligible for such placements. The total cost of inpatient treatment was \$173,000. The cost of outpatient treatment totaled just over \$68,000 during Fiscal Year 2004. There were 71 defendants who participated in individual and/or group counseling on an outpatient basis. Mental health counseling cost \$4,400.

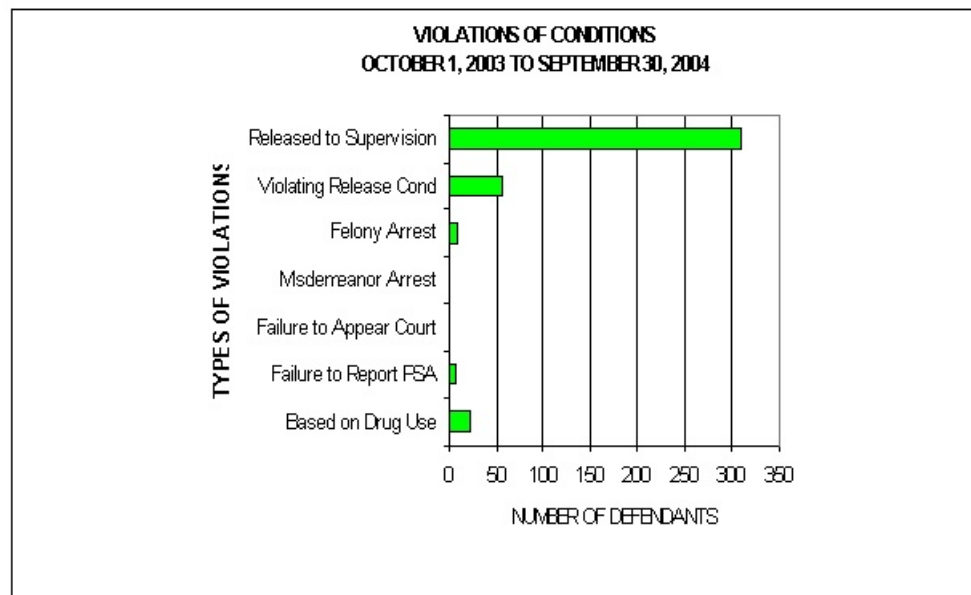
Detention, Violation of Conditions, Failure to Appear, and Rearrest

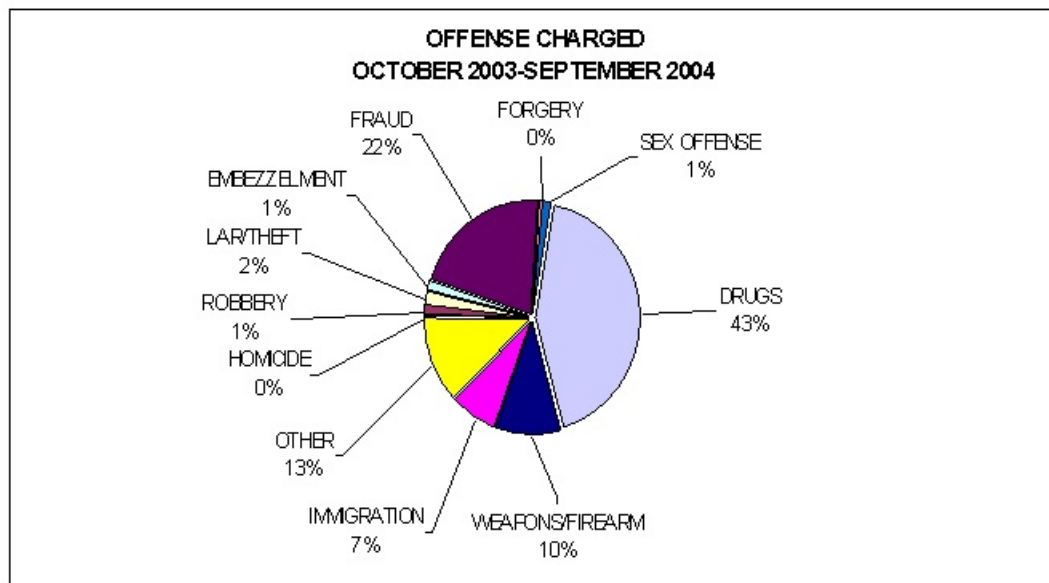
In the District of Massachusetts, 58% of defendants were subject to a detention hearing. The national average was 53%. Fifty-three per cent of defendants were ordered detained after their detention hearing in Massachusetts. On the national level, 59% of defendants were ordered detained after their detention hearing.

Of the 55 defendants who violated pretrial release conditions, 10 (or 5.5% of those released) were rearrested. Of the 110 violations reported, 86 occurred prior to conviction, and 24 occurred pending disposition.



No violations were reported in cases which were pending self surrender. Of the 110 violations reported, 57 resulted in no action taken and continued release, 16 resulted in a change in conditions of release, and 34 resulted in revocation of conditions of release and an order of detention.





The failure to appear rate in the district remained low. Two defendants (or 1% of those released) failed to appear for a scheduled court hearing.

Caseload Data

1. # of Pretrial Services cases activated	626
# initiated from other districts	42
# initiated for other districts	54
2. # of defendants with report at initial hearing	614
3. # of post-bail reports	6
4. Detention hearing statistics	
# of defendants with hearing held	365
# of defendants ordered detained	317
# detained as an appearance risk	90
# detained as a danger to the community	17
# detained as a danger/appearance risk	10
5. # of defendants released to supervision	309
6. # of defendants with violations	55
# based on felony rearrest	9
# based on misdemeanor rearrest	1
# based on failure to appear for court	2
# based on failure to report to Pretrial	7
# based on positive drug test	22
7. # of Collateral Investigations	444
8. # of Courtesy Supervision cases	81
9. # of Pretrial Diversion cases	0

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

DISTRICT COURT

The implementation of electronic case filing ("ECF") was the primary focus of the district in 2004.

After implementing the case management component of CM/ECF in November of 2003, the court began preparing for attorneys to file electronically. The court decided to begin ECF in civil cases commenced on or after June 1, 2004, and in criminal cases commenced on or after January 1, 2005. Prior to the effective dates, the clerk's office began an aggressive undertaking to prepare staff and the bar for ECF.

The district actually began educating the bar about ECF during the summer of 2003. We prepared brochures and articles for local bar publications explaining ECF, the systems needed to participate in ECF and the court's implementation plan. Beginning in January 2004, Clerk Jim Starr and Chief Deputy Clerk Dan Lynch traveled to bar associations throughout the state to discuss ECF and demonstrate how to file documents electronically. Persons attending received one hour of CLE credit. In March, the court hosted a 2.5 hour CLE entitled Office Management Best Practices Seminar, at which local practitioners addressed how law firms could structure their offices to accommodate ECF and outlined different methods and procedures for managing electronic case files and email notifications. In an effort to test the CM/ECF system and the sufficiency of the procedures adopted within the clerk's office in electronic filing cases, the court solicited 20 cases to commence filing as BETA or test cases prior to the ECF live date in June. Attorneys in those cases commenced filing electronically in April.

Although ECF training is not mandatory in this district, Dan Lynch and Pat Kelley began the district's ECF training program in April. The clerk's office developed an on-line training registration system. As the criminal ECF live date approached, special training sessions were developed for the United States Attorney's Office, the Federal Public Defender's Office and CJA Panel members.

The court also created a video of a live training session that allows attorneys and staffers to replicate the live ECF training sessions at their own offices (and obtain two hours of CLE credits). Many law firms have used the video to conduct firm-wide training sessions on ECF. Hundreds of attorneys and staffers have been trained using this alternative tool. Over an eight month period in 2004, the clerk's office had trained (by bar association demonstrations, live user training, video and best practices seminar) over 900 people on CM/ECF.

Cathy MacEwan, who was instrumental in the CM/ECF conversion process in 2003, prepared and trained staff for ECF. In January 2004, the case managers began filing all orders electronically. This not only enhanced public access to court orders, but also served as training for court personnel. During this same time frame, Cathy began the process of revising internal processes and procedures to accommodate electronic filing, including the creation of a separate email system to facilitate the transfer of pleadings to and from the clerk's office and chambers. She also developed an internal Clerk's Office ECF Manual documenting these new procedures and conducted frequent training sessions for staff in advance of the ECF live date. Even after the ECF live date on June 1, Cathy continued to serve in this capacity and continues to staff the ECF Help Desk in this district.

Because the district views the web page and CM/ECF as inextricably intertwined, the court aggressively revised the web page in 2004. As information relevant to the public changed during different stages of the CM/ECF implementation process, the court updated and revised the web page to provide the most up-to-date information and to include numerous ECF information sheets. As noted previously, the court created an on-line registration process for persons desiring to attend ECF User Training. The court continued to increase the number of fillable PDF forms on the site in an effort to make the electronic filing process simpler for attorneys and their staffs. Additionally, two new features were added to our list serve functionality. A CM/ECF user group option (mandatory for all registered users) was added in an effort to create a forum to communicate with the public and bar regarding procedural and systems updates, user tips, and other pertinent information. A weather bulletin subscription was also added so that not only will meteorological information affecting scheduled court proceedings be posted on our home page, but subscribed users will receive individual email notices of court closings or delayed openings.

Beyond implementing electronic case filing in 2004, the district also partnered with the Federal Judicial Center ("FJC") to examine the efficacy of the court's mediation program. Working with the FJC's "Program for Consultations in Dispute Resolution," the court decided to involve local practitioners and court mediators in the evaluation process. The court invited both practitioners and mediators to separate sessions to discuss various aspects of the court's ADR program with the FJC team, which consisted of District Judge Nancy F. Atlas (S.D. Tex), Magistrate Judge Robert M. Levy (E.D.N.Y.), and Mary Beth Collins (FJC). After obtaining the thoughts of attorneys and mediators, as well as input from the judges in this district, the FJC team assembled recommendations and proposed revisions to the district's ADR program. Those proposals were then distributed to the Federal Court Advisory Committee for comment and the court will take action on those proposals in 2005.

In addition to participating in the ADR review process, our federal court practitioners again actively supported the court and provided educational opportunities for the bar in 2004. The Federal Court Advisory Committee ("FCAC") continued to act as a sounding board on many issues facing the court and function as a liaison between the bench and bar on issues important to federal practitioners. The FCAC provided assistance on the following initiatives: web site revisions; development of a policy on presenting electronic evidence to a deliberating jury; surveying current and former CJA panel members in an effort to improve the district's CJA panel; and CM/ECF implementation ideas and outreach. The FCAC again played an instrumental role in the annual review of the local rules. In preparation for Electronic Case Filing, various members of the Local Rule Subcommittee also played an active role in the drafting of the district's rules for ECF. One member's term expired in 2004: Emily Rice, Esq. Both Bill Glahn, Esq., and Larry Vogelmann, Esq., agreed to serve a second three year term and Peter Cowan, Esq., also joined as a member for a three year term.

The Federal Practice Section ("FPS") of the New Hampshire Bar Association, which was formed in January of 2000, continued to provide attorneys with the opportunity both to meet and interact with other federal practitioners and to attend CLE opportunities dedicated to federal practice issues. On September 23 and 24, 2004, the FPS and the court cosponsored the Fourth Federal Practice Institute. Those attending both days received 10 CLE credits. The first day consisted of breakout sessions on topics such as electronic and demonstrative evidence, appellate practice, ethics, privacy issues post 9/11, and developments in the federal law. The second day included a half-day session on effective openings, making and preserving the record, and controlling the difficult witness. During 2004, the FPS also provided a CLE program, presented by Clerk Starr and Chief Deputy Clerk Lynch, on electronic filing and the court's web page. Larry Vogelmann served as chairperson for the 2004 term.

The district's CJA Panel continued to accept a large portion of court appointments in 2004, accepting about 50% of all appointments. The court again extended into 2005 its pilot panel, the First Response Panel, which is comprised of attorneys who agree to represent a defendant only at the initial appearance at the request of another CJA Panel attorney who can accept the case but cannot attend that hearing. The CJA Panel requested, and the court agreed, that the pilot status be removed and the First Response Panel be permanently added to the CJA Plan in 2006. In October, the Panel also presented a CLE program for its members on "Sentencing & Guidelines: 2004 Amendments Sentencing Developments Post Blakely" and "Federal/State Jurisdictional Issues." This program was presented by Bjorn Lange, AFD, Jonathan R. Saxe, AFD, Jeffrey S. Levin, AFD, and Cathy Battistelli, U.S. Probation Guidelines Specialist. At the CJA Panel's Annual Business Meeting in October, David Bownes, Esq., was elected to a second three-year term as the District CJA Representative and Don Kennedy, Esq., was elected to serve a three-year term on the Panel Selection Committee.

The court also continued its efforts to update and improve court facilities and courtroom technology. Regarding facilities, the perimeter security project was awarded in 2004 with construction to begin in 2005. Additionally, the court increased the air conditioning capacity in the computer room to allow for additional servers from other courts. Concerning courtroom technology, the district replaced outmoded courtroom audio and video conferencing systems. It also installed FTR Gold in one courtroom and installed four new computers in Courtroom 4 having Microsoft Office 2003 and a trial preparation software, Sanction, for use by litigants. Additionally, the clerk's office public computer terminals were upgraded to better assist the public and bar.

In addition to these initiatives, the IT department spent much of 2004 focused on installing, upgrading and modifying CM/ECF to meet the district's needs. Other notable accomplishments for the IT department were the numerous upgrades to the FAST, JMS, CM/ECF, Lyris, Faxserver, ELMO and the Norton Antivirus servers, culminating in an upgrade to the Lotus Notes server that consisted of an operating system upgrade, software application upgrade, and desktop upgrade. Additionally, all Dell PowerEdge 6450 servers required an update to their hard drive firmware, backplanes, and BIOS's in preparation for future operating system upgrades.

The IT department also created a new Windows 2003 Forest domain as part of a project to move to the Windows 2003 operating system, replacing Novell, for the primary file server. In the process, the IT staff restructured and consolidated several servers and retired seven outdated servers. During this process, all servers in the computer room were rack mounted in an effort to conserve space and make room for new application servers and other courts' COOP servers.

IT staff also performed numerous computer upgrades, replacements, and enhancements in 2004. All clerk's office operations staff and chambers' staff received dual monitors to more efficiently use CM/ECF. Furthermore, their computers were upgraded to 1 GB memory from 512MB. Law clerks received new computers and had their operating systems upgraded from Windows 2000 to Windows XP. The IT staff also purchased and installed eight new high speed printers throughout the clerk's office and chambers to further enhance productivity. Finally, beyond the numerous projects stated above, the IT department resolved 1,632 Help Desk issues in 2004.

There were also a few personnel changes in the district during 2004. In October, Judge Steven J. McAuliffe succeeded Judge Paul Barbadoro as Chief Judge of the district. The court also lost two

long term employees to retirement. In June, Margaret Gegas, the district's Property and Procurement Clerk, retired after 14 years with the court and 33 years of federal government service. Valerie Allen, who formerly served as an Administrative Assistant in the office, succeeded Margaret in that position. Sandra Berry was hired to fill the vacant Administrative Assistant position. In August, Brenda Comire, Intake Clerk, retired after 13 years with the court. Both Margaret and Brenda, longtime members of our court family, will be dearly missed. Finally, the court celebrated anniversary dates for four employees: Joyce Roy (25 years), Jim Starr (20 years), Ann Mulvey (10 years) and Satellite Librarian, Juliana Hayden (5 years).

The new staffing formula, budgetary reductions, and retirements significantly impacted the district in various ways in 2004. The district had the lowest staffing levels in 12 years--despite an over 300% increase in criminal filings over that same period. The clerk's office has sustained a 10% reduction in its workforce over the past 2 years. As a result, the court has significantly restricted its public outreach and educational initiatives. For example, the court did not have sufficient staffing to participate in the 2004 "Open Doors of Justice" program and has temporarily suspended public and school educational programs.

During the 2004 calendar year, civil filings decreased by 15% while criminal cases again remained relatively static with a 4% decrease in filings. The court also conducted 11 naturalization ceremonies in 2004. At each ceremony during the school year, a different local elementary school participated by singing one or two patriotic songs. The district naturalized 1032 people last year.

BANKRUPTCY COURT, DISTRICT OF NEW HAMPSHIRE

During 2004, the major project for the court was the move from the Norris Cotton Federal Building in Manchester into commercial space at 1000 Elm Street. The move was difficult on several grounds, but the newly developed space has proven to be highly satisfactory. Thanks are extended to the Circuit Executive's Office, and in particular to Barbara Manford, A.C.E. for Space and Development, and David Drew, Facilities Project Manager, for their invaluable assistance in connection with the new space and the move. The move was caused by a GSA prospectus project to rehabilitate the Cotton Building, and was intended to be temporary, but the new space is so much superior that GSA was advised of the court's intent to remain in the current space. It appears that such a decision will prove extremely cost effective.

During 2004, the special awards program was suspended due to budget limitations. However, the court remained involved in such national IT programs as CM/ECF and FAS4T. The court has been "live" on CM/ECF for over three and a half years. In 2004, plans were made to make the program mandatory on the third anniversary of the adoption of ECF for external users, April 1, 2005. The effect of ECF has been revolutionary in all aspects of court operations, both in the clerk's office and in chambers.

The court has also extended its use of video-conferencing. Both judges of the court have rendered continuing assistance to the Bankruptcy Court in Puerto Rico, and video-conferencing enables them to hear matters locally in connection with cases that are assigned to them in P.R. Other aspects of automation have allowed them to be electronically in touch with our court and their cases when they are visiting the court in San Juan or Ponce.

In 2004, there were two appointments at the upper management level in the clerk's office. The office has not employed a chief deputy since 1996. To fill the need for high level oversight and assistance to the clerk, the positions of Director of Administrative Services (Nancy B. Smith) and Assistant Director of Administrative Services (Bonnie Hannemann) were created.

Filings, in calendar 2004, numbered 4,604, the second largest number of case filings ever experienced by this court, and an increase of 5.67% over filings in 2003. Most of these cases were Chapter 7 bankruptcies (4,154), as compared to 17 Chapter 11's and 433 Chapter 13's.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF NEW HAMPSHIRE

ADMINISTRATIVE SERVICES

Personnel Changes and Highlights

The year of 2004 again saw major changes in personnel. These changes included:¹

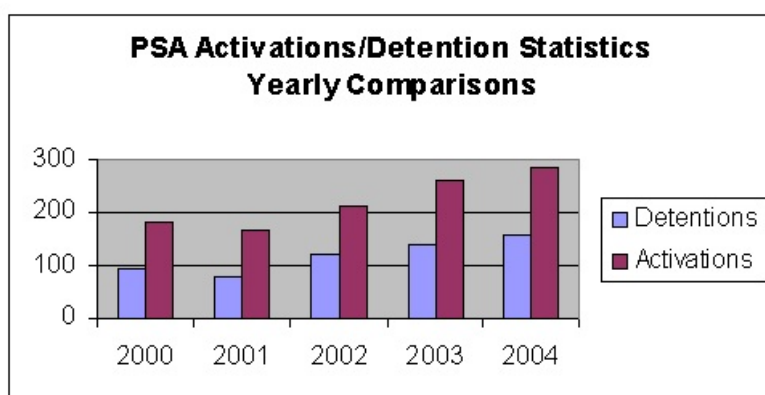
- In anticipation of Deputy Chief U.S. Probation Officer, Peter P. Russo's retirement after 26 years of service to the District of New Hampshire, which was scheduled to occur on October 31, 2004, Chief U.S. Probation Officer Thomas K. Tarr held promotional interviews in July 2004;
- Supervising U.S. Probation Officer Clayton J. Foster was selected to replace Peter Russo as Deputy Chief U.S. Probation Officer;
- Drug and Alcohol Treatment Specialist James P. Bernier was selected to become the new Supervising U.S. Probation Officer in charge of the Supervision Unit;
- U.S. Probation Officer Karin T. Kinnan was selected to replace Officer Bernier as the district's Drug and Alcohol Treatment Specialist; and
- Aaron Cear completed his internship and was replaced by Ashlie Monier, a senior at Keene State College.

¹While the selections noted in this section were made during FY '04 the actual promotions were contingent on appropriate funding levels being provided by the FY '05 budget and would not take place until FY '05

PRETRIAL SERVICES

Investigation Caseload

During Fiscal Year 2004, there were 283 case activations² which is a 5.6% increase over Fiscal Year 2003. The Pretrial Unit prepared 262 written or oral bail investigation reports during the year.³ This represented an increase of 4.4% over Fiscal Year 2003. These developments represent a continuation of a noteworthy upward trend in prosecutions which has coincided with the tenure of Thomas P. Colantuono, Esq. as U.S. Attorney.



The types of cases charged were as follows:

Controlled Substances	118	Sex Crimes	3
Fraud	66	Auto Theft	1
Robbery/Burglary	20	Assault	1
Firearms	31	Forgery	0
Larceny/Theft	2	Miscellaneous	12
Immigration	14	Federal Statutes	6
Counterfeiting	0		
Embezzlement	0		

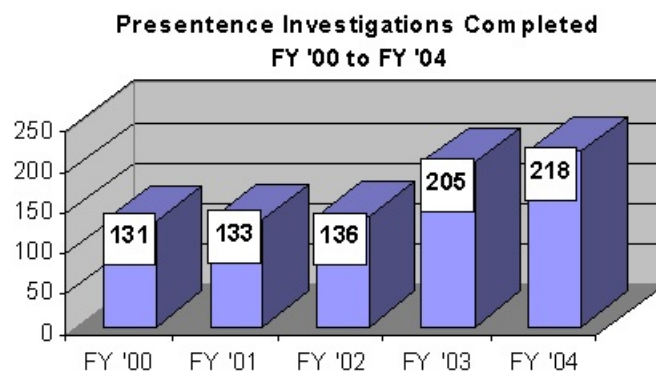
²This figure includes nine pretrial diversion case activations.

³Thirteen defendants refused to be interviewed at initial appearance.

PRESENTENCE SERVICES

Investigations and Sentencings

During Fiscal Year 2004, the Presentence Unit completed a total of 218 presentence investigation reports. This represented an increase of 6.3% over Fiscal Year 2003 and set a new all-time fiscal year high for the district.



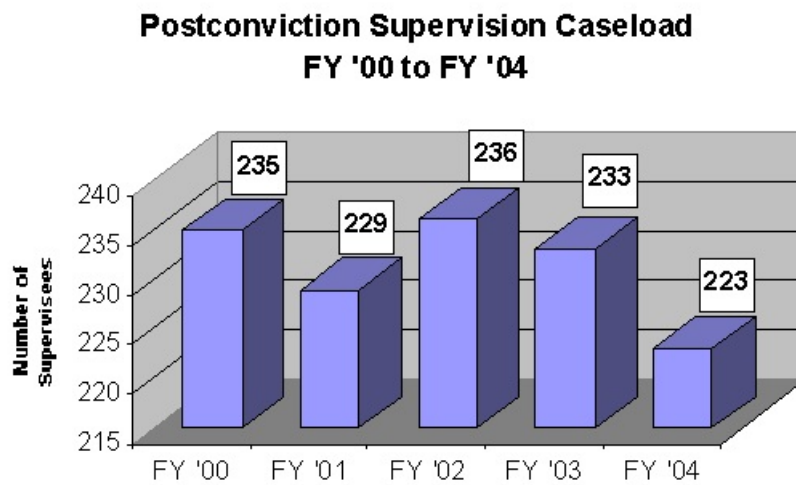
The court sentenced 213 defendants during the fiscal year, an 8.5% increase over the previous year. A review of the types of cases sentenced reveals that drug cases again accounted for the highest percentage, 50%. Sentencing of fraud cases was the second highest category at 15%, which continued the decrease noted in last year's report. Following close behind this number were the cases sentenced in FY 2004 for federal firearm violations which accounted for 11% of the cases sentenced. This increase is attributed to the U.S. Attorney's Office's efforts in their Safe Neighborhood Program. The remainder of the cases sentenced represented the panoply of other federal crimes.

The types of sentences imposed were as follows: 176 (82.6%) received imprisonment; 37 (17.4%) received probation.

POST CONVICTION SUPERVISION SERVICES

Caseload

In Fiscal Year 2004, the number of offenders under postconviction supervision decreased to 223. During the last five fiscal years, the caseload has remained remarkably stable, ranging from a low of 223 cases to a high of 236 cases.



In terms of the types of postconviction supervision, the percentage of offenders on supervised release was 71.3%, probation 22.4%, and other types of supervision (i.e., magistrate probation, parole, special parole, mandatory release, military parole, and Bureau of Prisons cases) 7.6%. This breakdown is little changed from Fiscal Year 2003. Offenders who committed drug offenses represented 43.5% of the total caseload, while fraud offenses accounted for the next most frequent type, representing 17% of the total caseload.

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

DISTRICT COURT

The district court celebrated a number of major events during 2004. In March 2004, both Magistrate Judge Jesus Castellanos and Senior Judge Gilberto Gierbolini retired. Also in March, Dr. Guillermo Baralt presented the book entitled *The History of the Federal Court in Puerto Rico (1899-2000)* during a ceremony that featured as keynote speaker Second Circuit Court of Appeals Judge Jose Cabranes. In coordination with the Federal Bar Association, the Clerk of Court conducted an activity for the promotion of the English version of the book the *History of the Federal Court in Puerto Rico*.

On April 2, 2004, Magistrate Judge Camille Velez Rive was sworn in as the new fourth magistrate judge. On April 13, 2004, the court held a stepping down ceremony of Chief Judge Laffitte and on the following day, April 14, 2004, Chief Judge José A. Fusté was sworn in.

The district court conducted eleven (11) naturalization ceremonies during 2004. A total of 998 new citizens were sworn in at such ceremonies. Two special naturalization ceremonies were held during 2004 — the celebration of *Independence Day* on July 6, 2004 and *Citizenship Day* in October 2004. The *Independence Day* ceremony was held at the *Junior Cruz Centro de Bellas Artes* in the City of Guaynabo. Puerto Rico Supreme Court Justice Baltasar Corrada Del Rio was featured as the keynote speaker.

In addition, the district court approved its new and re-numbered *Local Rules of the United States District Court for the District of Puerto Rico*, effective April 5, 2004. The district published in its web-site a cross-reference guide to assist the bar and the public with the transition to the new rules. The district's CJA Plan was amended in January 2004 to enhance the performance of CJA panel attorneys in their obligation to furnish defendants effective assistance of counsel. The District Court Jury Administration hosted the members of the Committee for the Implementation of the Jury Service Act of Puerto Rico and provided them with a presentation on how jurors are selected and managed at the federal court in Puerto Rico. The district court won the Contribution Award-Gold and the Participation Award-Gold in the Combined Federal Campaign 2004. This brings the total of gold awards won by the District of Puerto Rico to six throughout the history of its participation in the program. The Clerk's Office staff participated in the Leave Donation Program; staff donated a total of 292 hours by December 31, 2004.

The court conducted two Federal Bar Examinations for the admission of attorneys to the district court bar, one on April 17, 2004 and another on October 16, 2004. A total of 186 new attorneys were admitted to the bar. On March 19, 2004, the Clerk of Court, Frances Moran, chaired the interviewing panel in Puerto Rico for the Harry S. Truman Scholarship Foundation. The district held several classroom-in-the-courtroom activities to familiarize students with the mission of the United States District Court. The court adopted its COOP plan in the fall of 2004. The Clerk's Office Expansion Project continued throughout 2004. Completion of the project is expected by mid-2006. The Clerk of

Court and the Chief Deputy Clerk attended the Clerks' Bi-annual Meeting in Atlanta, Georgia and the Court Unit Executives' meeting in Bretton Woods.

Significant developments took place in Information Technology, as well. After competition, the Edwin L. Nelson Local Initiatives Grant Program awarded the district a \$15,320.00 grant for the enhancement of *Calendarium* (CAL), a Web Calendar system originated and developed by the District Court's Systems Department. The district court went live with the CM/ECF project on February 24, 2004, including both criminal and civil cases. A *Manual for CM/ECF* was also adopted and published by the court.

The district court ranked in the top five with regard to CM/ECF potential achieved. This statistic measures the number of docket entries made by attorneys on a particular month, compared to the total number of docket entries by the court staff that could have been done by attorneys. As of December 31, 2004 the number of attorneys registered with the CM/ECF program was 1913. By the same date, formal training on CM/ECF proceedings had been administered to 1183 persons (includes attorneys and their staffs). On May 4, 2004, the finance staff of the Clerk's Office successfully completed the FAS4T migration from version 3.5 to version 3.7 of the software. The district court continued its program donating electronic equipment declared excess property to Puerto Rico public schools. This year, the Guillermo Godreau School and the Amalia H. Mangual School received the equipment.

The court continued its international activities, as well, acting as liaison between the United States judicial system and Latin American countries' judicial systems by hosting their judges, prosecutors and staff in several exchange activities. In March and June 2004, judges and staff from the Republic of Colombia visited the court to observe its courtroom technology. Training for prosecutors from Colombia was conducted in August and September 2004, for judges from Peru in September and October 2004, and for judges from El Salvador in November 2004.

In the areas of training and continuing legal education, in February 2004, the Clerk of Court, the Criminal Justice Act Committee and the Office for the Public Defender conducted a *Law and Technology Workshop* where 200 members of the bar, in a hands-on environment, were trained on the different electronic tools available in courtroom technology, including the use of the Trial Director Program. Training included mock trial sessions and featured stateside instructors. In addition, the Clerk of Court and the Criminal Justice Act Committee hosted the U.S. Sentencing Commission for training on sentencing guidelines for members of the federal bar in June 2004, attended by approximately 200 attorneys.

Fiscal Year 2004 filing statistics reflected an increase from Fiscal Year 2003. Total filings for 2004 were 1,923, compared to 1,872 for 2003, a 3% increase. Termination statistics reflect a reduction for Fiscal Year 2004. Fiscal Year terminations for 2004 were 2,015, compared to Fiscal Year 2003 terminations of 2,297, reflecting a 12% reduction. Finally, for Fiscal Year 2004, 6.8% of cases pending in the district were over 3 years old, compared to 5.5% in Fiscal Year 2003. The district court processed 560 CJA vouchers by December 31, 2004. Annual events interpreted by staff interpreters during 2004 totaled 2,928.

One of the early initiatives undertaken by our new Chief Judge Fusté was to improve the district jury utilization statistics. To this effect, the Chief Judge and two other judges attended a Jury

Utilization Seminar in San Francisco. Subsequent measures improved the jury utilization statistics in the district by more than 10% by the end of December 2004. This achievement warranted a special mention in the 2004 Jury Utilization Report.

BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

The year 2004 was the year of the CM/ECF implementation. It took some time to become familiar with the CM/ECF application, the database structure, the hardware and the software. Several testings were made before the conversion to CM/ECF. In addition, users worked on the system to perform the required stress tests and data quality. All processes were completely simulated searching for flaws or overlooked situations. Programmers worked on the local applications, especially on CARES for the Intake cash register and CAOS to create electronic orders. The Arizona Calendar was implemented during 2004. The same was installed, converted, and tested with the help of all users.

The primary goal was making the transition to the CM/ECF system run as smoothly as possible, both for our internal customers as well as the external users. The CM/ECF dictionary events were successfully completed. Staff worked in redefining the operational procedures as needed by comparing the current system with CM/ECF. V-Cal (Arizona Calendar) was implemented as a stand alone application. Case Management teams worked on the CM/ECF stress tests to assess its functionality.

In addition, the court provided support to the circuit on preparing the courthouse in Ponce; increased the amount of video conference hearings, especially with hearings presided by visiting judges; and increased the use of teleconferencing. In addition to all CM/ECF related tasks, tests and training, the case management teams continued their regular duties with a high degree of effort and commitment, even though the court suffered a considerable reduction in the workforce due to budget constraints and staffing formula revisions. Training programs were provided based on identified organizational needs, external and internal (AO, FJC) opportunities, employee requests, and availability of funds. Overall, most of the training was developed and conducted internally. Technical training topics ranged from computer systems, software and internet in preparation for CM/ECF; imaging, claims and 362 motions for records and reproduction personnel; docket training for case managers and supervisors; on the job training for new employees and specialized areas such as FAST4, Informix Primer, Unix, CM/ECF Application, HTML. By mid fiscal year, formal training as part of the CM/ECF master plan began, including topics such as introduction to CM/ECF, basic events in Chapters 7, 11, and 13; scanning; cash register; and CM/ECF asymmetrix on-line training.

Local rules were also revised, integrating general orders used throughout the years. A draft of the local rule for the implementation of CM/ECF was also completed, as well as one for the internal operating procedures. The renovation of the Ponce Courthouse was finally completed in December 2004 and will be used by the Court of Appeals, as well as the District and Bankruptcy Courts. Judge Gerardo A. Carlo serves as liaison to the National Bar Association and the National Hispanic Conference of Bankruptcy Judges. Judges Gerardo Carlo, Enrique Lamoutte and Sara de Jesús, were panelists at the 2004 Puerto Rico Bankruptcy Bar Annual Seminar and the Bankruptcy Bar Round Table, celebrated in December 2004.

There was an overall 5% decrease in case filings from September 2003 to September 2004. As of September 2004, Chapter, 7 cases increased by 4%, Chapter 11 decreased by 2%, and Chapter 13 decreased by 10% over the previous year.

PROBATION OFFICE, DISTRICT OF PUERTO RICO

Introduction

Producing an annual report provides the office with the opportunity to reflect upon the achievements of a year. During 2004, new tasks and responsibilities were added, requiring new resources and capabilities. The office experienced a reduction in presentence referrals, a significant increase in the number of offenders under supervision, as well as the proliferation of additional conditions of release requiring drug testing, DNA testing, sex offender reporting and domestic violence counseling, among other conditions. Due to a dramatic reduction in the allotment of funds, the office was forced to make difficult organizational decisions, such as the closing of our Ponce Satellite Office.

During this year, more emphasis was placed on field work and technological strides in areas such as mobile computing, on site drug testing and electronic supervision. The year 2004 marked the inauguration of a new office, being the first time in over 15 years that the U.S. Probation Office obtained the required space to perform its critical mission.

Budget Allotment Profile for Fiscal Year 2004

In Fiscal Year 2004, we received a total of \$4,426,275, which was allocated as follows: \$3,528,967 in salaries; \$785,014 for operation expenses; and \$112,294 in the automation fund. A total of \$235,948 was reprogrammed into different BOC's to cope with moving/relocation expenses. These were as follows:

Moving/Relocation of Court Property	\$ 18,396.00
Telephone Move	\$ 1,360.00
Furniture Repairs	\$ 1,800.00
Furniture	\$214,392.00

Human Resources

Even though FY04 resulted in severe budgetary constraints nationwide, the office managed to culminate the fiscal year without having to take severe measures such as reduction-in-force (RIF's) and furloughs. A total of three (3) officers resigned and one retired, thus, allowing us to recruit a displaced U.S. Pretrial Services Officer. For Fiscal Year 2004, the office was staffed with a total of 41 officers and 24 support staff, for a total of 65 employees, compared to 68 employees in Fiscal Year 2003.

Space and Facilities

During the end of Fiscal Year 2004, the office moved to new facilities located on the 4th floor of the Federico Degetau Federal Office Building in San Juan, Puerto Rico. As part of the restructuring, the Ponce Satellite Office closed and relocated all of its offices to the new location that includes 15,333 square feet.

Training and Conferences

During Fiscal Year 2004, a total of 49 training sessions were facilitated resulting in a total of 3,032 staff hours. Some 66 employees (100% of staff) benefitted from these sessions, averaging 46 hours per employee. Among the training provided were: Firearms and Safety, NCIC, Monograph 109, Substance Abuse, Mental Health, Victim/Witness, Electronic Case Filing, PACTS_{ECM}, First Aid/CPR, Offender Career Development, and Sentencing Guidelines.

Automation

On May 26, 2004, we went live with PACTS_{ECM} ahead of schedule. This new IT resource has allowed case management and supervision to be more effective and efficient, providing the officer easy access to case data. It was in January 2004 that the office began the data conversion process in conjunction with the System Department and Pretrial Services Office. During the following six-month period, different combined workgroups were created for the implementation of the new nationwide system targeted to start on May 31, 2004. This process involved training for all staff members and multiple tasks related to data conversion.

In February 2004, the San Antonio Support Division staff came to Puerto Rico and provided the necessary training related to PACTS_{ECM} and SATM. Also, the electronic learning modules (ELM) are still available for on-going training. PACTS_{ECM} is a case tracking and case management tool that helps manage electronic data for investigation and supervision case information. With the expansion of PACTS_{ECM} Version 3.0, the office implemented the use of the Personal Digital Assistant (PDA's) which provides officers electronic access from any point outside the office to all required information. PDA's provides the officers "remote access information" needed for their work and enhance investigation and supervision activities in the office.

In the area of computer hardware, the cyclical replacement of PC's continued in FY04. A new fax machine for administration was purchased, 3 PC's were replaced, and an additional one was purchased for the training/conference room. Additionally, the new training/conference room was equipped with an In-focus projector, electronic sliding screen, Smart-Board technology, and a surround system. This training/conference room has not only served our internal needs but has been solicited and used for training by other agencies (i.e. FBI).

As new demands arise with the continuous growth of technology, software needs to be acquired so that officers and support staff can maximize the use of the available services. Therefore, a total of 4 Word licenses were purchased. Some 25 cadenza programs for officer PDA's were purchased as well.

The office continued receiving automation support from the Office of the Clerk's Systems Department, through the agreement established between court units. This year, \$64,500 was transferred from the salary allotment to cover this service. In addition, \$1,500 was transferred to the Clerk's Office for maintenance of the Data Communications Equipment (DCN).

Furniture

In conjunction with the move to the new office facilities, new furniture was purchased at a cost of \$181,790. Additional expenses were incurred in contracting a moving company, filing system movement services, photocopy machine movements, telephone and data wiring, and other miscellaneous details, totaling approximately \$100,000.

Security & Safety

The hazardous nature of law enforcement was reflected in 5 incident reports, ranging from minor vehicle accidents to crowd intimidation in the field. In order to provide adequate safety to the officers, during Fiscal Year 2004, bulletproof vests replacement cycle commenced and an additional simunition weapon was purchased together with safety training equipment (i.e. red suits). Moreover, the Officer Safety Training Program continues to be in place, as well as the semiannual weapon qualification program. New security cameras and accesses were installed throughout the new 4th floor facilities providing adequate protection to both staff and visitors.

To strengthen the Search & Seizure Team, a total of 5 two-way radios were purchased. An official vehicle was also fitted with law enforcement equipment (siren and lights). During FY04, two searches were executed of which one resulted in the seizure of over \$189,000 which further lead the FBI to other investigations resulting in the seizure of over \$340,000. A total of 6 staff members were trained by the American Red Cross in Basic First Aid and Adult CPR. The office also purchased a heart defibrillator which is available to the entire federal building should it be needed.

Community Outreach

The office remains committed to reach the community to help prevent drug use and crime, specifically, among our youth. As such, the Community Outreach Program, composed of seven (7) volunteer officers, conducted ten (10) outreach activities during Fiscal Year 2004. Public and private schools, together with other youth organizations, were visited and over 1,700 youth were impacted.

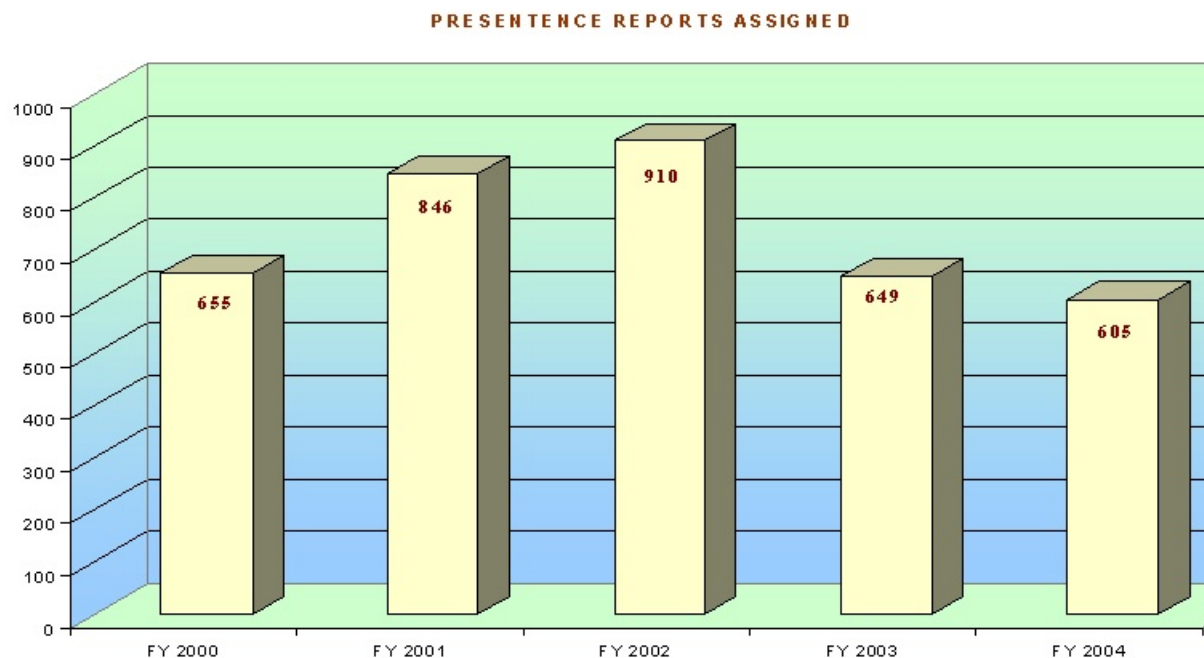
The Student Internship Program once again provided the opportunity for two (2) students majoring in Criminal Justice at the Inter American University to acquire basic knowledge and skills of the office's role and intervention in serving the community.

The agency newsletter, The Torch, has continued to expand as more volunteers provided a diversity of articles. The Torch has become not only an "Intra-Office" communication tool, but has now reached nationwide attention as it is provided to many sister agencies, the Administrative Office and other Probation Office districts. By the end of Fiscal Year 2004, The Torch had published a total of six (6) editions.

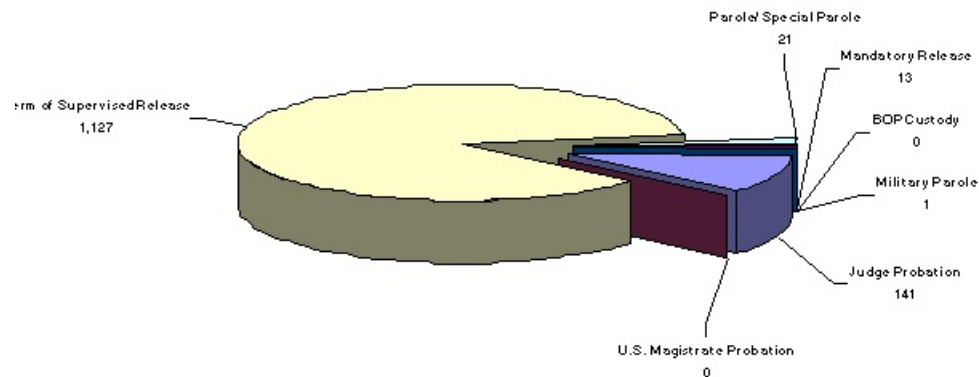
Presentence Services

The Court Services Division in the District of Puerto Rico operated with fifteen (15) probation officers conducting presentence investigations and preparing presentence investigation reports on a full-time basis in 2004. Some of them also had other duties as trainers and mentors. Two officers (one retired on July 2, 2004) served as Sentencing Guidelines Specialists, and another officer served as Special Offenders Specialist. These officers were assigned high profile cases, as well as more complex cases. One officer was assigned to the unit as a transfer from the U.S. Pretrial Services Office as a result of budgetary constraints. As a whole, the unit was assigned 605 PSIs during 2004, a 7% decline from 2003.

The following chart reflects the presentence assignments when viewed over the past five (5) years:



Person Under Post Conviction from Courts/Institution N=1,303



Supervision

The Supervision Division of the district was composed of 21 line/specialists officers, within three units. A cumulative total of 1,630 cases were under supervision during FY04, which reflected an average of 77.61 offenders per officer. Of the 1,303 cases under supervision, the majority (1,127) were on supervised release status, 141 were serving a sentence of probation, and parole cases continue to decline with only 35.

Probation Post Conviction Supervision	
Received for Supervision	471
Supervised for Entire Period	859
Received Prior to Period and Closed during period	300

Drug Aftercare

A team of U.S. Probation Officers dedicated their time and effort to search for a variety of new treatment programs. Among the programs selected, two (2) were very significant during this past fiscal year. The first is an Inpatient Drug Treatment Program for females and the second is a Job Placement Program. These programs help to assure that female offenders receive the same quality of services rendered to the male population. The Job Placement Program assisted unemployed offenders to seek employment and those in need of vocational training were offered the opportunity to enhance their marketable skills. Another accomplishment was the creation and implementation of a new Drug Treatment Policy based on the new Monograph 109.

With the relocation of the offices, the new facilities offered a laboratory room with a bathroom and see-through glass, which provides privacy and confidentiality when collecting urine samples. In addition, a new position, entitled Technician/Supply Clerk, was created in an effort to serve our clients and maintain control of the urine samples collected. The person named is in charge of collecting and controlling the number of urine samples collected per client, thus complying with the new standards set by the court. The Code-a-Phone system was implemented for clients placed in Phase 1 of the Random Urine Program. They are required to call everyday to an 800 number to find out if they are to report for urine specimen collection. The total amount of law enforcement funds used during FY04 were \$464,005. With the establishment of the new Drug Policy and the new Random Urine Program, the savings have been remarkable. A total savings of \$23,980.92 was achieved during this fiscal year.

Mental Health Treatment

The Mental Health Treatment Program expanded its services by contracting additional vendors. This contract allowed for the provision of mental health services in the eastern part of the island, something we have never had before. Despite this addition of service, there was no increase in expenditures. The total expenditure for the Mental Health Program in Fiscal Year 2004 was \$82,749.56, that is \$6,000 less than Fiscal Year 2003. This reduction is considerably significant if we take into account the annual increase in cost per service and the increase in the number of clients.

A major cost saving measure was implemented in medication expenses. Clients are being referred to the government sponsored health insurance which provides psychiatric treatment coverage. At this moment, we are only covering medication for about one third of the total of clients receiving psychiatric treatment.

Another important accomplishment of the program is the implementation of a sex offender policy. As these special offenders increase in our district, they represent a challenge in terms of identifying and providing the required treatment services. This policy serves as the guideline for supervision in conjunction with Monograph 109.

Conclusion

In a year of financial duress for the U.S. Courts in general, this agency was able to meet its administrative and operational demands within the assigned FY 2004 budget of \$4,426,275. The proper allocations and expenditure of these funds, with input from the office's Advisory Financial Committee, has allowed us to properly plan ahead. This office remains committed to reach professional excellence, to transcend the barriers of communication and of personal differences, to accept diversity and respect fellow workers, to provide stakeholders with the best professional services available, and to make an unparalleled contribution for the social well-being of Puerto Rico.

The Probation Office acknowledges the support it continues to have from Chief Judge, Honorable José A. Fusté, all the Honorable Judges and Magistrate Judges of this district, the Clerk of the Court, Frances Ríos De Morán, and the Chief Pretrial Services Officer, Héctor Torres.

PRETRIAL SERVICES OFFICE, DISTRICT OF PUERTO RICO

Budget and Human Resources

Fiscal year 2004 proved to be a feat, given the direct effect that the judiciary's budget decrease had on the office. This office was one of a number of offices across the United States undergoing significant personnel reductions⁴, which called for an aggressive plan to reorganize operations. The work and energy invested by the administrative team members and other office personnel in tackling this difficult situation bears no comparison to any other years in our recent history.

Having to operate with fewer financial resources prompted the implementation of a series of cost-savings measures that included cancelling maintenance contracts, suspending personnel promotions, and severely limiting training endeavors. Additionally, defendants under drug and mental health treatment were re-phased to a lower treatment level, a co-payment policy for drug and mental health treatment was implemented, and the use of the consumer credit retrieval system for prebail investigations was reduced.

Office staff comprised of 16 positions, a decrease of 4 from last fiscal year. Two staff members separated: one on a transfer to another law enforcement agency and another resigned. Additionally, one person from the support group retired with a buyout. Furthermore, two support staff members opted to work on a part-time basis during part of the year. Given a decrease in the numbers of electronic monitoring cases, the specialist position in this area was abolished. All of these personnel actions helped the office to stay within its allotted budget. Personnel once again benefitted from the assistance of four criminal justice students who came, at no cost to the government, under an ongoing agreement with the Inter American University of Puerto Rico, each providing 135 hours of assistance per semester. Their duties centered around support to various aspects of office operations, while they obtained practical experience in their field of study.

⁴ In its December 2004 issue, *The Third Branch* highlights the district as one of those that lost more than 10% of its jobs in the past year.

Office Reorganization

The aforementioned reduction in personnel required a series of measures to offset the impact on operations. In September 2004, one of the support clerks was asked to handle budget matters on an interim basis. Her supervisor assumed some of the data quality work, as well as preparation of travel vouchers for staff members. Two officers began entering activation data on PACTS/ECM, with a view to having all officers eventually embrace this task. The receptionist was trained to enter termination data on PACTS/ECM. Officers were instructed to resume conducting their criminal records and credit bureau computerized checks (that support staff had been assisting with), as well as transmitting courtesy responses to requesting districts, emitting passport receipts, downloading court documents through PACTS/ECM, purging case files upon closing, and covering reception as needed. One supervisory officer took charge of the supplies inventory. Meetings were held during the fiscal year to keep both office personnel and the court informed of the budget outlook. Staff members were invited to share their ideas and concerns regarding human resources issues, budget, and the reorganization.

Investigations

Cases activated amounted to 876, or 55 fewer than the previous year. Additionally, 5 Pretrial Diversion cases were activated during this period.

Case Profile

Narcotics, controlled substances and marihuana cases remained the most frequent type of offenses, representing 44% of the total cases in the district. Additionally, weapons and firearms charges amounted to 3%, and immigration cases to 16%. The first two categories decreased by 10 and 2%, respectively, whereas the immigration cases increased by 9% over the past fiscal year.

Collaboration with other Court Units and Stakeholders/Community Outreach

Pursuant to an interagency agreement, the office received automation support from the court's Systems Department staff. Two staff members continued to participate in an inter-unit implementation team on CM/ECF. In August 2004, PACTS/ECM was implemented in the district. A joint implementation process lasting six months was conducted between this office and the U.S. Probation Office, with the assistance of Systems' staff.

Likewise, the U.S. Probation Office joined this office in training in the areas of safety, electronic monitoring, and job development for defendants and offenders. A joint procurement process of electronic monitoring services was conducted, as an alternative to declining services from the previous provider. In December, representatives of the office attended a meeting of the Law Enforcement Coordinating Committee, which brought together representatives of all law enforcement agencies on the island. In February 2004, staff were interviewed by a member of the U.S. Department of Justice in Washington, D.C., as part of a review of the local U.S. Attorney's Office. The interview focused on the common working relationship and communication between agencies.

Finally, Supervisory Officers became involved in providing one-on-one orientations to newly appointed Assistant U.S. Attorneys, members of the Criminal Justice Panel, and student interns serving some of our Judicial Officers on the role and responsibilities of the Pretrial Services Office.

In addition, this office has been making its presence known in the community through visits to public and private schools of all grade levels. Officers give conferences to students, with PowerPoint presentations geared to each age group level, on topics such as prevention, peer pressure, and the effects and consequences of substance abuse. Approximately 335 students were reached with this message during FY '04. Additionally, staff participated in local orientations regarding office functions to members of the criminal justice systems of Colombia, the Dominican Republic and the European Union, who are seeking to reform practices in their countries.

Training and Conferences

Training endeavors received the biggest impact due to budgetary constraints during this fiscal year. As part of the cost containment measures, no financial resources were devoted to training endeavors outside of the office or to travel for training. Staff relied mostly on the use of the Federal Judiciary television Network (FJTN) and joint training with the U.S. Probation Office. Total staff training hours amounted to 647.50, or 66% less than the previous fiscal year.

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DISTRICT COURT

Education

On February 2, 2004, 42 fifth-grade students from the Moses Brown School, a private school in Providence, gathered at the Federal Courthouse to tour the building and learn about the workings of the U.S. District Court. Senior Judge Ronald R. Lagueux addressed the students who took in a naturalization ceremony at which the Judge presided. Courtroom Technology Specialist, James Webb, provided a demonstration of the use of courtroom technology, and a Deputy U.S. Marshal escorted the students on a tour of the cell block and discussed the role of his office in judicial proceedings. On Friday, July 16, 2004, the Rhode Island Legal Educational Partnership brought 40 teachers in for a lecture before Magistrate Judge David L. Martin on the federal judiciary.

Rhode Island Continuing Legal Education

The months of March, April and May brought the Federal Practice Series (a series of seminars sponsored by the Rhode Island Bar Association and the U.S. District Court) to the courthouse. The series began on March 31 with a seminar on *Federal Jurisdiction*. Guest speakers included District Judge William E. Smith, Stephen Reid, Esq., and Kimberly Simpson, Esq. The second seminar was held on April 21 and was titled, *Removal*. Guest Speakers included Chief Judge Ernest C. Torres, George Lieberman, Esq., and Brooks Magratten, Esq. On April 28, a course, *Alternative Dispute Resolution*, was held. Guest speakers included Magistrate Judges David L. Martin and Robert W. Lovegreen. Berry Mitchell, Phd. and William Poore, Esq. also addressed the group. The final seminar on May 12 addressed *Post-Trial Motions and Appellate Practice*. Guest speakers included Circuit Judge Bruce M. Selya, Lynette Labinger, Esq., and David Wollin, Esq. Attendees received 1.0 RICLE credit for each series attended.

Special Naturalization Ceremonies

Normally, naturalization ceremonies are held on a monthly basis in the ceremonial courtroom at the courthouse, swearing in approximately 100 new citizens at each ceremony. However, several times a year, the court holds “special” ceremonies at an off-site venue in order to accommodate the abundance of new citizens. In 2004, the Court began holding these “special” ceremonies at the Veteran’s Memorial Auditorium Arts and Cultural Center, known as the “VMA”. The VMA is a non-profit organization with a “landmark” theater. The theater is quite remarkable with its

beautifully elaborate decor. Fittingly, the VMA's commitment and mission is "serving the community." On April 14, 2004, 450 new citizens took the Oath of Citizenship at the venue and, on June 21, 2004, 600 new citizens did the same. The court plans to continue to use the VMA for these large naturalization ceremonies.

Educational Initiative

On April 30, 2004, the U.S. District Court hosted its fourth annual Teachers Institute. The Institute was designed specifically for secondary-school-level teachers who are responsible for teaching Civics. Forty-two educators from the State of Rhode Island attended the Institute. The teachers heard lectures on topics from the Patriot Act, gay marriages and civil unions to an overview of the judicial system. Every teacher who attended the Institute received Professional Development Credits (PDC's) through the Rhode Island Department of Education.

ID Card Program

In May 2004, the U.S. District Court instituted a new ID card program and issued new ID cards for employees of the District Court, Bankruptcy Court and the Probation Office. The program (IVIS500 Plus) was created by Identicard Systems, Inc. It is a database application which stores pictures of employees with information such as name, ID card number, and expiration date. The new cards replace the ID cards issued by the Administrative Office and were created for the purpose of identifying court employees in the event of a natural or man-made disaster.

Attorney Admission Ceremony

On May 13, 2004, an Attorney Admissions Ceremony was held. Seventy-three new attorneys were sworn in as members of the federal bar of this Court. For the first time, a reception was held immediately following the ceremony which was hosted by the Federal Bar Association.

Establishment of an Attorney Lounge

On June 14, 2004, an Attorney Lounge was made available exclusively to attorneys who have business at the Court. The Lounge is equipped with an analog phone line for internet use with personal laptops, and a HP Laser 5 printer is available for use with a laptop. There is a computer dedicated to Westlaw/Lexis research that can be used by attorneys with existing accounts. Work tables, sitting area, water cooler and a selection of legal reference manuals are also available. A coffee machine has been donated by the Rhode Island Trial Lawyers Association. Cellular phone use is allowed in the Lounge.

CPR/AED Training

CPR/AED training was held on July 1, 2004, facilitated by Bill Francis from the U.S. Marshal Service. Employees from both the District Court and the Probation Office attended and were certified in CPR/AED.

CM/ECF

In August 2004, the Case Management staff of the Clerk's Office attended the CM/ECF Application Training in San Antonio, Texas. In September, the Case Management Supervisor and Data Quality Administrator attend the Dictionary Training.

Retirement/Recall

After nearly 12 years on the bench, U.S. Magistrate Judge Robert W. Lovegreen retired on August 31, 2004 and was subsequently recalled on September 1, 2004.

Appointment

On September 10, 2004, Lincoln D. Almond was appointed as the new magistrate judge for the district court. The Oath of Office was administered to him in a formal ceremony on October 13, 2004.

Training

Certifying Officer Training was conducted September 14-16, 2004. This training course was conducted by the AO and Treasury, and consisted of two days of formal training and one day of configuration to position the court to operate with certifying officers. Topics covered were Introduction and Overview of Certifying Officer Authority, Appropriation Law Issues for Certifying Officers and Developing the Certifying Officer Model and Cutover Plan. The certifying officer responsibility training was to ensure that certifying officers and key staff, upon whom they rely in the certification process, understand the roles, responsibilities and accountability of certifying officers. The appropriations law training provided illustrative examples of actual appropriations law cases ruled upon by GAO and discussions of right and wrong decisions (and consequences) made by certifying officers in precedent-setting cases. Attendees were from the district courts, bankruptcy courts and the probation departments of Rhode Island, Connecticut, and New Hampshire.

Awards Ceremony

On September 23, 2004, the District Court held its annual awards ceremony in which several employees were honored for their service. James E. Webb was named Employee of the Year, Claire J. Parvin, Martha E. Saucier, and Kathleen A. Sousa, each received Special Service Awards. Barbara L. Barletta, Ryan H. Jackson, and Jeannine M. Theall received certificates of appreciation for their work as mentors at the San Miguel School in Providence. John J. Etchells and Ana-Cecilia Rosado also received certificates of appreciation.

Newsletter

In December 2004, the United States District Court issued the 6th edition of "*Court Life*," a periodic newsletter designed to provide Rhode Island's Congressional delegation and staff with insight into the work of the federal judiciary in Rhode Island. The newsletter provides information on a variety of topics intended to assist the reader in understanding the work of the judiciary, and to introduce the reader to contacts within the judiciary who may be able to provide more detailed information in a particular area of interest to the legislative community.

Construction Projects

Construction projects include the build-out of the first and third floors of the Pastore Building to accommodate offices for U.S. Probation, ADR Suite, training room for the District Court and Probation, Grand Jury Suite, storage room for the District Court, and a mail screening room. Renovations on the fifth floor of the Courthouse were also completed, which provided offices for a visiting judge, a court reporter, an attorney lounge, a circuit library office, a GSA building manager's office, work space for the U.S. Attorney's office, and new public restrooms.

Magistrate Judges' Portraits

Black and white portraits of all of the court's district judges are displayed in the 3rd floor corridor of the Courthouse. In 2004, after the major restoration/renovation of the Courthouse, which included relocation of the magistrate judges to the Pastore building (next door to the Courthouse), a project was undertaken to display the portraits of Magistrate Judges Hagopian, Boudewyns, Lovegreen and Martin in their new space. The colored 24" x 36" portraits are displayed on the 2nd floor of the Pastore Building.

Benevolence

Court employees continued to support numerous charities, such as the Combined Federal Campaign, and gave a sizable donation during the Thanksgiving holiday to the Providence Rescue Mission. For the third year in a row, court employees continued their volunteer work mentoring children at the San Miguel School in Providence. Court employees gave a sizable donation at Christmas time to the family of U.S. Probation Officer, Anthony Velizer, who was sent to Iraq. Court employees also supported the Federal Executive Council's initiative, "Day of Caring," and donated new winter coats, hats, gloves, etc. to homeless veterans and their families.

Statistical Caseload Profile Summary of 12-Month Period Ended September 30, 2004

Total Filings (civil & criminal, including criminal case transfers): 970

Civil Filings: 826

Criminal Filings: 117

Terminations: 812

Cases Pending: 969

Trials (criminal/civil): 49

Median Time for Civil Cases: 9.7 months.

Median Time for Criminal Felony Cases: 5.8 months.

Median Time for Civil Cases Measured from Filing to Trial: 25.0 months.

Civil Cases Three Years or Older: 24

BANKRUPTCY COURT, DISTRICT OF RHODE ISLAND

The year 2004 will be among the most difficult in the history of the court. Budget shortfalls, the effect of a reduced staffing formula, and a drop in filings resulted in a loss of 2.2 Authorized Work Units in FY 05, necessitating a pre-emptive downsizing of three court staff in FY 04. The effect of downsizing on the morale of the remaining staff was significant, and accounted for a fourth person's resignation. The 17.55% reduction in staff required a restructuring of the remaining positions, and resulted in virtually all staff members acquiring new or additional administrative duties.

In addition to downsizing measures, the court took other actions to address the loss of human and economic resources. Effective October 1st 2004, public office hours were reduced by one hour. With only one half-time person to assist the public, a doorbell was installed to alert the remaining staff when a visitor requires help in the public area. On November 3, 2004, Judge Votolato signed Bankruptcy General Order 04-003 requiring attorneys meeting certain criteria to become electronic filers. In just a few months, the rate of electronically filed petitions doubled, increasing from an average of 31% to 62%. With approximately 75% of general pleadings received via the internet, the court is nearing its goal of 80% electronic filing.

Several renovation projects were initiated, completed or continue to be in progress. The installation of a new, sophisticated sound system in Judge Votolato's courtroom was successfully completed, as was a remodeling of the Finance Office to eliminate unused space. The multi-year renovation of the Automation Office and creation of a separate Server Room were completed, including new work benches, storage space and server furniture. Also initiated this year was a facelift to the law library to include a new layout achieved by the removal of unnecessary shelving, refinishing of existing furniture, better lighting, paint and carpeting.

In addition to the usual clerk's office duties, staff was involved in local and national committee work and training. Clerk of Court Susan Thurston and staff completed Certifying Officer Training. Susan was also a panelist at the Conference for Chief Bankruptcy Judges held June 30th in Washington, DC, addressing the topic "Working with Key Players in Times of Declining Resources." Case Manager Linda Spaight served on the Methods Analysis Program (MAP). Chief Deputy Gail Kelleher attended the FJC's Fall, 2004 Institute for Chief Deputies and Deputy Chiefs held in Gettysburg, PA. Financial Administrator April Elderkin traveled to the Connecticut Bankruptcy Court to serve as a mentor during their conversion to FAST, and six staff members attended the National Conference of Bankruptcy Clerks (NCBC) in Cincinnati OH, including Jon Calianos, career law clerk to Judge Votolato. Jon took this opportunity to review available automated calendaring systems to replace this court's current method. Finally, the court was selected to host the 2006 NCBC conference in Newport. This event is in the planning stage – truly a team effort with nearly every member of the staff on one or more committees, as well as volunteers from the Maine Bankruptcy Court.

The staff continue to participate in a variety of social causes: American Heart Association Hearts in Bloom, American Cancer Society Daffodil Days, donation of Thanksgiving baskets, participation in Adopt-a-Family program, and a federal mentoring program for at-risk boys. The office was also the recipient of the *Sustained Giving Award* for consistently achieving 90+% participation in the Combined Federal Campaign. Human Resource Administrator Kristen Batty represented the court well, receiving a *Special Recognition Award* for her membership and active participation on the LFCC Campaign Cabinet for the past several years. This year also marked the 10th anniversary of the Employee Awards and Recognition Program. Jonathan Calianos received the *Sustained Superior Performance* award for his contributions to chambers and the clerk's office.

The three person Automation Department also had a busy year. In 2004, Automation successfully installed Versions 2.4, 2.5 and 2.6 of CMECF, and completed the Lotus Notes Upgrade. A digital logging program as a secondary backup to the courtroom recording system was also installed. An IT Committee was formed and all aspects of the Automation Department were analyzed, resulting in the creation of an IT Plan for the court. Progress was also made in the development of a Continuity of Operations Plan (COOP) for the court, with Automation preparing a Disaster Recovery Plan and building a server for that purpose. Two major initiatives were completed. The first was the videostreaming project, allowing live sound and video of court proceedings to be heard at individual workstations, as well as the ability to watch FJTN programming from each desk. This technology provides chambers and clerk's office staff real time access to courtroom proceedings and makes training easily accessible to the entire staff – especially valuable when little money is available for outside travel and instruction. The second project was the installation and modification of the Quality Assurance Examination Program (QAX). This quality assurance tool interfaces with CMECF and ensures that all electronically filed documents are properly qc'd and documented.

Bankruptcy filings fell 8.76% in the District of Rhode Island – more than twice the national statistic for the twelve month period ending December 31, 2004. Decreases in filings were seen across all chapters, but were most dramatically demonstrated in Chapter 13 filings and Adversary Proceedings, with reductions of 20.13% and 26.87% respectively. Chapter 11 filings were the exception to this trend, increasing by 200%! The median disposition time for a Chapter 7 case was 3.2 months (96 days) and 39.8 months for a Chapter 13 case. The average age of the court's pending caseload breaks down as follows: 7.4 months for Chapter 7 cases, 22.4 months for Chapter 13 cases, 16.5 months for Chapter 11 cases, and 18.25 months for Adversary Proceedings.

PROBATION OFFICE, DISTRICT OF RHODE ISLAND

The probation office moved from leased space into the John O. Pastore Federal Building culminating a long-awaited transition. The space is functional and satisfactory in every respect.

Given budget constraints, the office did not replace two employees lost by attrition during the year. Existing staff assumed the various duties performed by these two individuals.

Kristin Mattias, Guideline Specialist, was named employee of the year. In addition to her regularly assigned duties, she assumed the responsibilities of human resources liaison following the retirement of the HR specialist. Donna Marrone was given a special service award for her work assisting offenders with employment searches and assisting a deaf and mute defendant. Craig Farkas and Kim Messier were also awarded for their involvement in establishing the PACTS-ECM program and training staff to effectively utilize this powerful automation tool.

Officers Clara King and Heather McLoughlin successfully utilized their ongoing training when they were called upon to respond to tragedies within the circuit as part of the New England Critical Incident Stress Management Team. This team continues to provide a valuable resource to staff following a critical incident.

Training coordinators, Michael Perry and Charleen Tryhubczak, completed their 2-year service in this role and have handed the torch to Brian Pletcher. Officers provided training to new correctional officers at the Wyatt Detention Center regarding the role of the probation office. The office participated in a joint effort with the U.S. Attorney's Office and state officials speaking to large groups of offenders under community supervision as part of Project Safe Neighborhoods. All officers underwent safety training that included classroom and scenario based situations. Chief Weiner, in his role on the Education and Training Committee of the Federal Judicial Center, is helping to shape new training curricula for experienced probation officers throughout the country. In all, despite heavy workloads, employees participated in an average of 72 hours of job related training, almost double the national standard.

A new community corrections center was opened on the grounds of the Adult Correctional Institution. This is the first such program in Rhode Island and it seems very effective in preparing offenders for release to the community. The program has also proved to be a valuable resource for intermediate sanctions for offenders who are not in compliance.

As to treatment services provided to defendants and offenders, expenditures in the area of mental health doubled from 2003, representing the changing nature of our caseloads to include more individuals with serious mental health concerns. The rate of weapons offenses in the district is well over double the national average. Robbery is triple. Nevertheless, 76% of the supervised cases terminated supervision having successfully completed their term and 18% resulted in revocation. Most of the supervision was performed in the community, with officers covering a total of almost 50,000 miles during the year conducting home inspections, job verifications, electronic monitoring confirmation and other related travel.

NARRATIVE REPORTS

OF THE

FEDERAL PUBLIC DEFENDERS

FEDERAL PUBLIC DEFENDER FOR THE DISTRICTS OF MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

One of the most significant changes during Fiscal Year 2004 was the addition of a two-lawyer appellate unit to handle appeals to which defenders are appointed (It will generally not be handling appeals from the district court cases; those appeals will continue to be handled by the Assistant Federal Public Defenders (“AFPDs”) who appeared in the district court.) The two AFPDs in that unit are Judith Mizner and Christopher Goddu. They are a tremendous resource for attorneys within the office and on the CJA panel. They have organized moot courts for panel members and helped present training programs relating to recent developments in sentencing law. In addition, Judy administers a list-serve aimed at members of the First Circuit’s appellate CJA panel. She provides a summary of First Circuit criminal cases on a weekly basis. She and Chris actively participate in the list-serve by responding to attorneys’ questions and providing updated information on appellate issues. There is also a list-serve aimed primarily at district court CJA attorneys.

As the above reflects, the office has taken a leading role in providing information and support to panel attorneys during this time of rapid changing in the complex law of federal sentencing. These efforts include participation in presenting a seminar after Blakely v. Washington, 124 S.Ct. 2531 (2004). The list-serves disseminate updated information to the defense bar on a daily basis and also provide a means for defense attorneys to share ideas, questions, and practice tips.

In addition to the list-serves and training programs, the office continues to support the CJA panel by publishing a quarterly newsletter, responding to telephone and e-mail requests for advice and assistance, and maintaining a website that includes both links to other useful web-sites and information specific to this circuit. During Fiscal Year 2004, the annual Advanced Seminar for Federal Public Defenders, attended by approximately 400 Federal Public Defenders and Assistant Federal Public Defenders from across the country, was held in Boston.

Another significant change in the office was its program in the Boston courthouse, designed to provide appointed counsel for most defendants before their first appearance before the magistrate judge and before they are interviewed by Pretrial Services. Under this program, which began in January 2004, lawyers have been assigned to be present in the courthouse and to be immediately available to accept appointments, absent a conflict of interest. It appears that this program has resulted in an increase in the number of cases to which staff were appointed in 2004, as seen below. This program was initiated in large part through the efforts of then Assistant Federal Public Defender, Leo Sorokin.

In terms of staffing, we added a third attorney position to the office in Concord, New Hampshire. Jeffrey Levin has joined Bjorn Lange and Jon Saxe in that office, and has proven to be a valuable addition to a very capable and dedicated group of lawyers.

The overall volume of cases for the fiscal year, compared to previous years, was as follows:

Massachusetts

	Total	<u>Cases Opened</u>			<u>Pending</u>
		Pros'ns	Appeals	Other	
FY 1999	205	134	8	63	pending 10/1/98: 168
FY 2000	285	213	9	63	“ 10/1/99: 150
FY 2001	265	181	23	61	“ 10/1/00: 225
FY 2002	266	161	18	87	“ 10/1/01: 210
FY 2003	282	157	19	106	“ 10/1/02: 196
FY 2004	341	188	36	117	“ 10/1/03: 200
					“ 10/1/04: 258

New Hampshire

	Total	<u>Cases Opened</u>			<u>Pending</u>
		Pros'ns	Appeals	Other	
FY 1999	114	80	6	28	pending 10/1/98: 34
FY 2000	79	43	6	30	“ 10/1/99: 61
FY 2001	123	78	8	37	“ 10/1/00: 61
FY 2002	131	70	9	52	“ 10/1/01: 55
FY 2003	161	99	10	52	“ 10/1/02: 66
FY 2004	149	110	8	31	“ 10/1/03: 85
					“ 10/1/04: 99

Rhode Island

	Total	<u>Cases Opened</u>			<u>Pending</u>
		Pros'ns	Appeals	Other	
FY 2003	103	65	4	34	pending 10/1/02: 0
FY 2004	139	84	19	36	“ 10/1/03: 61
					“ 10/1/04: 67

FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF PUERTO RICO

FY 2004 was a year of changes with an emphasis on technology for the office. At the beginning of this year, the District Court implemented the new CM-ECF (Electronic Case Management System) which has revolutionized our practice. Despite initial bugs in the transition process, staff adjusted efficiently and effectively to the new system. On the matter of equipment, the office significantly improved both the hardware and software used to provide the legal services to which clients are entitled.

Statistically, in the area of criminal cases handled (opened and closed), the downward trend reported in Fiscal Year 2003 has changed. The office projected for FY 2004 that it would open 550 cases and close 634. The fiscal year ended with 641 opened cases and 604 closed. A difference of +91 and -30 respectively from our projections to the actual cases opened and closed. The number of cases opened was the highest in the past eight years, and predicts an increase in the closed cases for the next FY.

Along with the above, there has been an increase in the hours spent by assistants in court, and in trial preparation. This year the number of “in court” hours increased by 85 hours. Nevertheless, the time spent in other pre-trial matters not reported in the official reports almost doubled.

The year's statistics were influenced by the drop in criminal filings towards the end of the FY, as well as the election season. Also, the U.S. Attorney for the District has resumed the practice of indicting large multi-defendant cases. This office is adversely affected by this practice in that, due to potential conflicts of interest, it may not handle more than one client per case. This continues to tax the resources of the CJA Panel and effectively reduces the ability of this office to handle the majority of the indigent defendant cases.

The specter of the death penalty eligible prosecutions continues to be the cause of much concern. These prosecutions are still disproportionately pursued in this district, placing it among the top producers of federal death penalty eligible cases in the nation. The number of successful defense cases and those tried to completion remained about the same, with more dismissals and suppressions, a statistic which speaks highly of the positive work and efforts by the Assistant Public Defenders. Finally, this office continues to handle the majority of the federal criminal cases in the district.

During FY 2004, the Federal Public Defender co-sponsored with the Court several CLE (Continuing Legal Education) programs in the district, thereby complying with our duty to contribute to the CLE of the Panel Attorneys. The office also continued the series of mini seminars, bringing lecturers to the office, and, thereby, providing additional CLE opportunities for the CJA Panel. These mini-seminar sessions have become very popular among the panel members because they not only provide CLE on topics of interest, but also allow the CJA attorneys to interact and exchange notes on case handling and processing.

NARRATIVE REPORTS
ON MATTERS OF
JUDICIAL ADMINISTRATION

THE JUDICIAL CONFERENCE OF THE UNITED STATES

MARCH AND SEPTEMBER 2004

The present administrative structure of the federal court system is less than a century old. Originally, the individual judges were the de facto administrators of the court system. In the 1870s, the Office of the Attorney General of the United States was given a large degree of administrative responsibility for running the court system. This designation of authority was the earliest attempt at providing centralized management for the courts. The Office of the Attorney General maintained a centralized bookkeeping system and attempted to ensure that the courts worked expeditiously and efficiently.

In 1922, the Judicial Conference of the United States was formally created. It was intended that the Judicial Conference would assume a major share of administrative responsibility for the running of the federal courts.

The statutory responsibilities assigned to the Judicial Conference are to:

make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges ... [and] ... submit suggestions . . . to the various courts to promote uniformity of management procedures and the expeditious conduct of court business.

and to:

carry on a continuous study of the operation and effect of the general rules of practice ... as prescribed by the Supreme Court for the other courts of the United States. . .

28 U.S.C. § 331.

The Judicial Conference meets twice a year, in March and September. The Judicial Conference has as its members the chief justice of the United States presiding, the chief judges of all the circuit courts of appeal, the chief judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the Administrative Office of the United States Courts (AO).

At the March 16, 2004 Judicial Conference, Leonidas Ralph Mecham, Director of the AO, reported on judicial business and on other matters relating to the AO. Judge Barbara Jacobs Rothstein, Director of the Federal Judicial Center (FJC), reported on recent programs. Judge John G. Heyburn, II, Chair of the Budget Committee, briefed members on judiciary appropriations and Judge Deanell Reese Tacha, Chair of the Judicial Branch Committee, reported on judicial compensation.

At the September 21, 2004 Judicial Conference, Mr. Mecham reported on judicial business and on matters relating to the AO. Judge Rothstein addressed FJC programs. Judge Ricardo H. Hinojosa, Chair of the U.S. Sentencing Commission, reported on the Commission's recent activities. Judge Heyburn briefed members on judiciary appropriations and Judge Carolyn Dineen King, Chair of the Executive Committee, reported on the Committee's initiatives to contain costs.

FIRST CIRCUIT JUDICIAL CONFERENCES

Circuit judicial conferences are periodic circuit-wide meetings convened pursuant to 28 U.S.C. § 333. A modification to this statute, which formerly mandated an annual conference, permits the Judicial Conference to be held in alternate years. A 1996 modification of § 333 made attendance optional; formerly, active circuit and district judges were required to attend unless excused.

In the First Circuit, circuit judicial conferences generally are conducted in two different formats. One type of conference, often called a “mini-conference,” is designed primarily for judicial officers and certain court personnel. In addition to the judges, others who attend are the circuit executive, senior court personnel and representatives (usually one each) of the Administrative Office of the U.S. Courts and the Federal Judicial Center. These conferences are organized by a committee of judges, appointed by the chief judge, with the assistance of the circuit executive and his staff.

The other meeting format is the full-scale conference, which is conducted every other year. Those who attend these conferences include those listed above in connection with the mini-conferences and, pursuant to Local Rule 47.1, others from the districts such as presidents of the state and commonwealth bar associations, deans of accredited law schools, the public defenders and the U.S. attorneys. In addition, a substantial number of lawyers are invited to attend these full-scale conferences.

In planning the full-scale conference, the Judicial Council selects the approximate dates for the conference and assigns one of the districts in the circuit to act as a host district for the conference. The chief judge of the circuit appoints a Planning Committee to organize and conduct the conference. This advance work is usually done one-and-a-half to two years prior to the conference.

The selection of the attorney invitees to a full-scale conference is handled in the following manner. After the Planning Committee has selected a site and received the approval of the chief judge of the circuit, the number of invitees that the facilities at the site can accommodate is determined, and a specific number of slots for attendees is assigned to each district (roughly based on the proportion of the number of judges in a given district to the total number of judges in the First Circuit, plus an allotment for the Court of Appeals). The district court chief judges, in consultation with their respective judges, supply lists of nominees to receive invitations to attend. Based on these lists, invitations are then extended by the chief judge of the circuit.

The Office of the Circuit Executive assists the Planning Committee in all aspects of its work. The circuit executive also provides the point of contact for continuity purposes, is the custodian of the Judicial Conference Fund and serves as the secretary of the conference. In September 2003, the First Circuit held a full-scale conference in Boston, Massachusetts. Due to budgetary constraints, it was decided not to hold a mini-conference in 2004 but to channel the available resources into planning for the next full-scale conference, scheduled for June 2005 in Newport, Rhode Island.

BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL

Circuit judicial councils were created by Congress in 1939, along with the Administrative Office of the United States Courts and circuit judicial conferences, to assist in the management of the courts. The chief judge of the circuit presides over the council, and its membership consists (in this circuit) of all the active judges of the court of appeals and one district judge from each of the five districts in the circuit. Each circuit judicial council has administrative responsibility for all courts in its circuit. It is authorized to:

make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2004, the council meetings took place on April 5 and September 14. Many matters are decided by mail vote between meetings.

A principle task of the judicial council involves complaints of judicial disability or misconduct. Since consideration of such complaints is confidential business and generally only the final decision is publicly available (with the disclosure of the judge's name dependent upon the nature of the action taken), detailed discussion is inappropriate. However, an explanation of the council's role in these matters and a summary of final action taken by the council during 2004 is provided at pages 83-84.

Another primary task of the judicial council is to review statistics of individual courts and judges. The council undertakes this task, in part, with a view towards providing additional help where assistance is required.

Other judicial council action taken during 2004 included: approval of various cost reduction measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; and approval of Bankruptcy Appellate Panel reorganization and bankruptcy judge assignments.

SPACE AND FACILITIES

Introduction

(This report covers the period of mid-2004 to mid-2005, picking up where the 2003 Annual Report stopped.)

Space programs nationwide continued to be affected by the moratorium on space acquisition, originally enacted by the Judicial Conference in March 2004, to extend through to March 2005. Although certain space actions such as the acquisition of space for new chambers and courtrooms for new judgeships or for replacement judges for those assuming senior status were exempted from the moratorium, the Administrative Office was still conducting a rigorous examination of the financial impacts of such actions. Much of this period was spent by the Circuit Executive, the Deputy Circuit Executive, and the Assistant Circuit Executive for Space and Facilities in producing documentation justifying the circuit's proposed space actions.

The circuit also assisted the Administrative Office Space and Facilities staff in their new initiatives to (a) review rental charges nationwide, (b) begin a new round of Long Range Facility Plans, and (c) update the U.S. Courts Design Guide. All of these activities will be ongoing through Fiscal Year 2006 and probably beyond.

The Circuit Executive was a member of the panel that selected the new Chief of the A.O.U.S.C. Space and Facilities Division. In the summer of 2005, Debra Worley succeeded Rodgers Stewart in this position.

District of Maine

The Prospectus Repair and Alterations Project for the Margaret Chase Smith Federal Building in Bangor was approved by GSA and Congress, and the design phase was authorized for FY 2006. This project has been proposed by the local GSA office for each of the past 8 years but ultimately rejected by their own central office for approval and submission to the Office of Management and Budget. In 2005, the project was approved, largely because of support from Chief Judge George Singal and Senator Susan Collins.

Also, in the M.C. Smith, funding has been put in place to begin minor renovations to Magistrate Judge Kravchuk's courtroom which are immediately necessary for operational efficiencies.

In the summer of 2005, the circuit, district, and GSA began the process of identifying appropriate space for the new offices of the Federal Public Defender (a new position) in Portland and Bangor. The Defender hopes to occupy the new space in early 2006. There has been no progress by GSA on the proposed federal building which would consolidate court functions and agencies now in leased space. The circuit and district will pursue this project with GSA in the coming year.

District of Massachusetts

The new courthouse for Springfield is under construction, with foundations approximately 30% complete as of mid-summer 2005. The general contractor, Daniel O'Connell's Sons, is one of the best in Massachusetts and project management and construction quality have been excellent to date. Occupancy is now scheduled for early in 2008. The courts and GSA continue to struggle with the lack of contingency funding so far allocated for this project and are working together to control costs as well as pressure for additional monies. The Administrative Office has been very helpful to the project in fully funding the telecommunications and audio-visual systems, as well as the secure mail facility.

In the Donohue Courthouse in Worcester, both the district and bankruptcy courts are installing electronic evidence presentation systems and other technical upgrades in their courtrooms.

In the Moakley Courthouse in Boston, work has begun on projects to create new offices for the growing Staff Attorney's Office and to relocate the training room from the Williams Federal Building to the second floor of the courthouse. Additionally, in the coming year, the circuit and district will be studying the Long Range Plan for the courthouse to determine what expansion is needed and how it will be accomplished.

Design was completed on the Prospectus project for the renovations to the J.W. McCormack Post Office and Courthouse, where the bankruptcy court plans to relocate after completion of construction. The project was issued to a small group of prequalified general contractors for bidding in spring/summer 2005, but because the bids received exceeded the budget, no award has been made as of late summer 2005.

The Probation Office under its new Chief worked with the Circuit and GSA to find space in Taunton for the relocation of the Plymouth office, but the effort failed because of the prohibitively high costs of the space identified in Taunton. Mainly for financial reasons, the office will remain in Plymouth for the foreseeable future even though public transportation access is difficult and the population served is centered in Taunton.

District of New Hampshire

The bankruptcy court will remain in leased space at 1000 Elm Street in Manchester for the foreseeable future, certainly for the balance of the term of the current lease.

District of Puerto Rico

In the Degetau Federal Building, work was completed on the new, consolidated probation office in early 2005, and the office is functioning very well. Later that year, construction was completed for the new magistrate courtroom and chambers, and the magistrate judge occupying the space is also pleased with the new facility. Construction is now ongoing in the district court clerk's office, with Phase 1 (the new administrative area) completed as of summer 2005. This project eliminates congestion, upgrades IT functions, adds a jury assembly and a training facility, and relocates the Grand Jury from its current very public location. This work is being done in occupied

space and has required a major effort on the part of the clerk's office staff, led by the clerk and the procurement manager, to coordinate relocation and reoccupancy with the construction schedule.

In the Toledo courthouse in Old San Juan, work was completed in summer 2005 on the re-roofing project, after some problems during construction. The construction of the full-load emergency generator will be underway in early 2006. Finally, efforts have been started by GSA and the circuit to examine the feasibility of acquiring and renovating the unoccupied portion of the main floor of this facility for the district court's senior judges.

In the Ferre Courthouse in Ponce, construction is planned or underway on several projects: (a) hazmat mitigation on the first floor; (b) an ADA-compliant wheelchair lift; (c) a new electrical substation; (d) additional air conditioning; and (e) renovation of space on the first and second floors to accommodate the new bankruptcy judge. The judge is scheduled to occupy his/her chambers and courtroom by midsummer 2006. Because courtroom and chambers were already available, funding was needed only to renovate space to accommodate clerk's office staff. The Administrative Office provided \$ 300,000 towards this effort, with other necessary funding to come from the United States Postal Service, the owners of the building.

District of Rhode Island

In the Providence Courthouse, work is scheduled in 2005 and 2006 on several projects: (a) bollards and gate improvements to provide perimeter security; (b) application of blast-resistant window film (partial funding having originally been obtained from the Administrative Office by the Circuit Executive); and (c) a final phase of Prospectus-level work to complete physical improvement work items that were not affordable under the earlier phase. The last project includes replacement of aged and faulty mechanical equipment and repairs to walls and ceilings damaged by moisture infiltration.

The probation office moved from leased space to the newly renovated third floor of the Pastore Federal Building in June 2005. Circuit Executive's office staff were involved in the design, construction, and relocation phases. Probation office staff are very pleased with their new quarters. That project also included construction of a new Grand Jury and office suite for the Alternative Dispute Resolution office.

Work was completed on improvements to the IT area of the bankruptcy court at 380 Westminster Street. The construction was of good quality and the renovated space is serving the needs of the staff.

AUTOMATION AND TECHNOLOGY

Introduction

The year 2004 was an eventful year for the Information Technology (IT) Department with accomplishments made in the following areas:

COOP (Continuity of Operations Plan)

In light of recent events, the importance of our COOP cannot be overlooked. To that end, the IT Department established a procedure for storing and maintaining electronic copies of briefs filed within the Court of Appeals improving upon the court's disaster recovery program. Additionally, all systems vital to the court's daily operation now have off site redundancy systems in place including the transfer of AIMS transaction logs every fifteen minutes providing the court with the most up to date information in the event backup systems are needed.

Circuit Computer Services

The IT Department worked with the Administrative Office on multiple projects. One of the projects was creating redundant services for authenticating users to the DCN from the Internet (VPN and RAS). The server that provides credentials to our private network was made into a replicated database nationally. This allows any site Circuit or DCN entry point to act as a DCN access point for First Circuit personnel even if the Boston service is unavailable.

In addition, the IT Staff worked with the Administrative Office in reducing the costs of the Wide Area Network by reducing the bandwidth at the Circuit Hub and making smaller amounts of bandwidth more efficient. Finally, the IT Department worked with the First Circuit IT Staffs to upgrade their Lotus Notes servers to Windows 2003.

Moakley Building Services

The IT Department continued to upgrade the hardware and software that provides network infrastructure to the First Circuit regional services (DNS, Lotus Notes, VPN, etc), the Court of Appeals, Massachusetts District Court, Massachusetts Probation and Massachusetts Pretrial users and servers.

Court of Appeals Computer Services

The IT Department deployed an Enterprise version of AntiPest software in 2004 in order to combat pest software that can be a security risk and a nuisance to end users. The centrally controlled software allows the IT Department to assess and eradicate problems from a single console for all regional, VPN and RAS users.

During the summer, the IT Department undertook the challenge of performing maintenance on all of the computers within the circuit. This maintenance provided court users the latest versions of frequently used applications and included the installation of WordPerfect 12 on all desktops as well as an upgrade of Novell Client and Symantec Anti-Virus software to safeguard the court's intricate network.

The transition from the AIMS docketing system to the CM/ECF system came much closer to implementation with a review of the AIMS docketing dictionary whereby events and reliefs were appraised to determine whether they were functioning properly. The IT Department also had to plan for the arrival of the CM/ECF servers and create internal controls to ensure that the target date for implementation will be met.

Several members of the IT staff traveled to Phoenix to participate in testing of the CM/ECF system. These staff members were instrumental in the discovery of system defects, as well as their resolution.

The Information Technology Department formed a committee including members of the Clerk's Office to review data contained in the AIMS docketing system to ensure that it is up to date and accurate which will aid in the deployment of the CM/ECF docketing system. The IT Department has been working closely with the Clerk's Office developing new policies and procedures for the upcoming transfer from the AIMS system to the CM/ECF system. It is imperative that these two units maintain close contact during the transitional period.

Members of the IT staff along with Clerk's Office personnel were part of a committee designated to review the court's recusal procedures. As part of the process, the committee members were given a demonstration on how the recusal system functions in the CM/ECF system as compared to the AIMS system.

Training

The Information Technology Department coordinated training for all Clerk's Office staff on the use of Microsoft Excel, in addition to training on the functionality of the Clerk's Office's new high speed copier/printer/scanner. Members of the IT staff also were provided training on programming aspects of the CM/ECF system. The training will aid the IT Department and the court as a whole to move forward with its deployment. The location for a new training facility was established within the Moakley Courthouse.

JUDICIAL MISCONDUCT AND DISABILITY

The Judicial Misconduct and Disability Act, codified as 28 U.S.C. § 351 *et. seq.*, authorizes "any person" to file a complaint

alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability. . . .

28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After initial receipt by staff of the Circuit Executive's Office, the chief judge reviews the complaint, in accordance with 28 U.S.C. § 352. The chief judge may then dismiss the complaint, conclude the proceeding for corrective action taken or intervening events, or, where necessary, appoint a special committee to further investigate the charges of judicial impropriety. See 28 U.S.C. §§ 352-3. Both the complainant and the judge have the right to file a petition for judicial council review of an order of dismissal entered by the chief judge. Id., at § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see 28 U.S.C. § 354, the orders issued by the judicial council are "final and conclusive." 28 U.S.C. § 357(a). Pursuant to 28 U.S.C. § 358, the Judicial Council has prescribed the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability (Rules of Judicial Misconduct) to govern the judicial misconduct complaint process.

On January 1, 2004, an amendment to the Rules of Judicial Misconduct authorized the chief judge to "annually designate two review panels to act for the Judicial Council on all petitions for review . . . , except for those referred to the full membership" Rules of Judicial Misconduct, Rule 8(a). This amendment was adopted in response to a provision of the the Judicial Improvements Act of 2002 that explicitly authorized the referral of petitions for review to "a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges." 28 U.S.C. § 352(d). Rule 8(b) provides that any member of the review panel may vote to refer the petition to the full Judicial Council. See Rules of Judicial Misconduct, Rule 8(b). While judicial misconduct proceedings are confidential, final written orders issued by the chief judge and Judicial Council are publicly available. See 28 U.S.C. § 360.

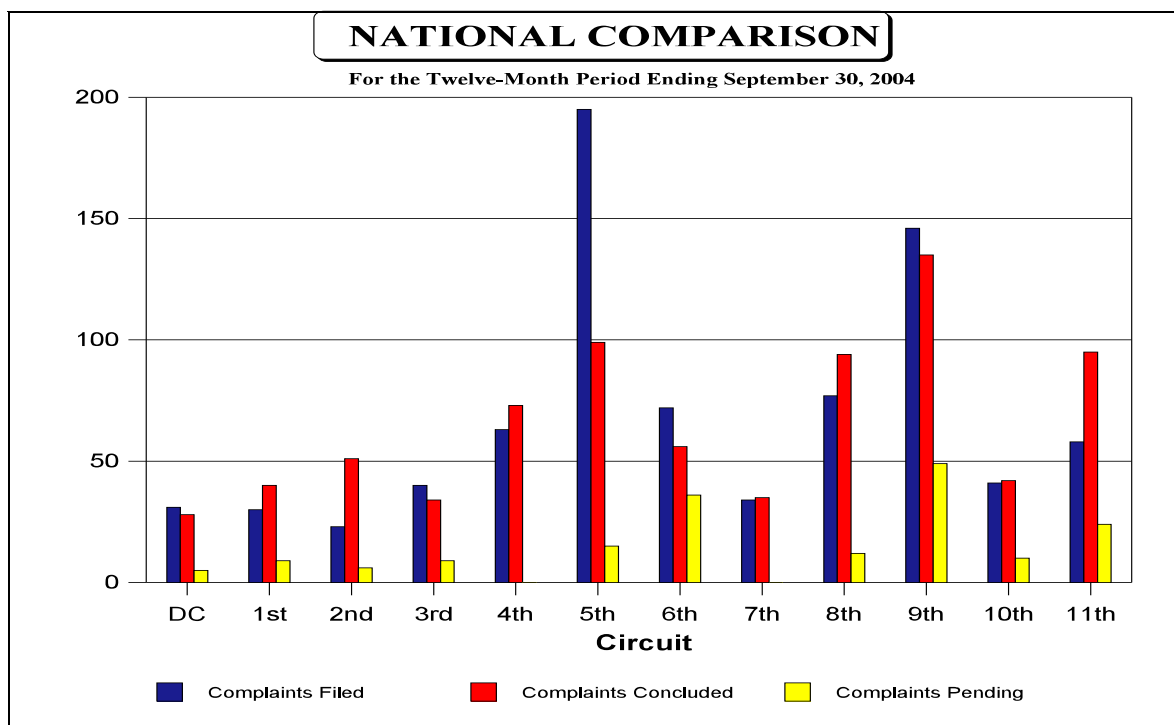
During 2004, 35 complaints were filed in the First Circuit, pursuant to 28 U.S.C. § 351(a), compared to 30 in 2003. Each of these complaints was dismissed by order of the chief judge. Half of the complainants (17) filed petitions for review of the order of dismissal. The presiding panel of the Judicial Council affirmed each of the orders presented for review. See Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2004, below. Finally, after issuing show cause orders pursuant to Rule 1(f) of the Rules of Judicial Misconduct, the Judicial Council precluded three complainants from filing further misconduct complaints without prior permission of the Judicial Council.

Six (6) complainants filed more than one complaint during the course of the year against a total of 33 judges – 10 of whom were charged in more than one complaint. Complaints were filed against nine (9) appellate judges, 16 district judges, five (5) magistrate judges, and three (3) bankruptcy judges.

Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2004

Complaints Filed in 2004 (calendar year)	35
Repeat Complainants (filed more than 1 complaint during 2004)	6
Orders of Dismissal Issued by Chief Judge *7 of the Chief Judge's orders were issued in 2005	35*
Petitions for Review filed with Judicial Council *3 of the petitions were filed in 2005	17*
Orders of Dismissal Affirmed by Judicial Council *9 of the Council orders were issued in 2005	17*
Show Cause Orders Issued *2 of the Show Cause Orders were issued in 2005	3*
Preclusion Orders Issued *2 of the Preclusion Orders was issued in 2005	3*
Total Judges Accused of Misconduct in 2004	33

**NATIONAL COMPARISON OF REPORT OF
COMPLAINTS FILED AND ACTION TAKEN
UNDER AUTHORITY OF 28 U.S.C. §§ 351-364**



**REPORT OF COMPLAINTS FILED, CONCLUDED AND PENDING
UNDER AUTHORITY OF TITLE 28 U.S.C. §§ 351-364
For the Twelve-Month Period Ending September 30, 2004**

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	31	30	23	40	63	195	72	34	77	146	41	58
Complaints Concluded	28	40	51	34	73	99	56	35	94	135	42	95
Complaints Pending	5	9	6	9	0	15	36	0	12	49	10	24

ATTORNEY DISCIPLINE

During 2004, the Court of Appeals for the First Circuit handled 10 attorney disciplinary proceedings under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement). None of these proceedings was initiated by the Court of Appeals; all of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement. Three (3) of the matters resulted in orders of suspension and seven (7) precipitated orders of disbarment.

HISTORY AND NOTABLE EVENTS

On November 5, 2003, Senior Court of Appeals Judge Hugh H. Bownes passed away. Judge Bownes had served the federal courts since his appointment in 1968 to the District of New Hampshire where he served until appointed to the Court of Appeals in 1977. Judge Bownes took senior status on January 1, 1990.

On October 25, 2004, judges and staff were saddened by the death of Senior District Judge A. David Mazzone who had been a valued member of the District of Massachusetts since his appointment in 1978 where he served full-time until taking senior status on June 3, 1993.

The following judicial officers retired during 2004 and early 2005: Magistrate Judge Jesús A. Castellanos retired from the District of Puerto Rico on March 20, 2004; District Judge Gilberto Gierbolini-Ortiz retired from the District of Puerto Rico on March 23, 2004; Magistrate Judge Robert W. Lovegreen retired from the District of Rhode Island on September 1, 2004; and Magistrate Judge Lawrence P. Cohen retired from the District of Massachusetts on January 31, 2005. Magistrate Judge Robert W. Lovegreen was recalled on September 1, 2004. In addition, Judge Carol J. Kenner resigned from the U.S. Bankruptcy Court for the District of Massachusetts on July 31, 2004.

The following judicial appointments were made during 2004: Magistrate Judge Camille Vélez-Rivé was appointed to the District of Puerto Rico on March 22, 2004; Judge F. Dennis Saylor was appointed to the District of Massachusetts on June 15, 2004; Magistrate Judge Lincoln D. Almond was appointed to the District of Rhode Island on September 10, 2004; Judge Robert Somma was appointed to the U.S. Bankruptcy Court for the District of Massachusetts on December 31, 2004; and Judge James B. Haines, Jr. was reappointed to the U.S. Bankruptcy Court for the District of Maine on August 29, 2004.

Further, on April 14, 2004, Judge José Antonio Fusté succeeded Judge Hector M. Laffitte as Chief Judge of the U.S. District Court for the District of Puerto Rico. On July 1, 2004, Judge Louis H. Kornreich succeeded Judge James B. Haines, Jr. as Chief Judge of the U.S. Bankruptcy Court for the District of Maine. On November 1, 2004, Judge Steven J. McAuliffe succeeded Judge Paul J. Barbadoro as Chief Judge of the U.S. District Court for the District of New Hampshire. On January 1, 2005, Magistrate Judge Charles B. Swartwood, III succeeded Magistrate Judge Marianne B. Bowler as Chief Magistrate Judge for the District of Massachusetts.

First Circuit representation in the United States Judicial Conference also underwent some changes during 2004. Chief Justice William H. Rehnquist appointed District Judge José Antonio Fusté to the Judicial Conference Committee on Criminal Law and Judge Daniel R. Domínguez to the Judicial Conference Committee on the Administration of the Magistrate Judges System.

2004 FAIR EMPLOYMENT PRACTICES REPORT

The First Circuit Court of Appeals (the “Court”) initially adopted the Model Affirmative Action Plan recommended by the Judicial Conference of the United States, together with minor modifications, effective March 2, 1981. On March 4, 1987, the Court made further amendments to the Plan in accordance with the revisions adopted by the Judicial Conference at its September 1986 session and in accordance with the revised Model Equal Employment Opportunity Plan supplied by the Administrative Office of the United States Courts (“First Circuit EEO Plan”).

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (“EDR Plan”) for the First Circuit Court of Appeals. The EDR Plan is intended to provide court employees with the rights and protections of the Model EDR Plan adopted by the Judicial Conference of the United States in March 1997.

This narrative report reflects data collected from the following offices: staffs of the Senior Circuit Judges and Circuit Judges, the Circuit Executive’s Office, the Bankruptcy Appellate Panel, the Office of the Clerk of the First Circuit Court of Appeals, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including satellite branches throughout the Circuit), and the Court of Appeals Civil Appeals Management Program (CAMP). The Offices of the Federal Public Defender (for the Districts of Massachusetts and Puerto Rico) have issued separate reports.

PERSONNEL SUMMARY

As of September 30, 2004, there were 128 Court of Appeals employees. Of those employees, 55 (43%) were male and 73 (57%) were female; 104 (81%) were white and 24 (19%) were minorities. There were 7 African-American employees, 9 Hispanic employees, 7 Asian employees, and 0 Native American employees. One employee was “Not Reported.”

SIGNIFICANT ACHIEVEMENTS

There were 32 new appointments made during this reporting period. Of those new appointments, 17 were male and 15 were female; 24 were white and 8 were minorities.

During the reporting period, 16 employees were promoted. Of those employees, 8 were male and 8 were female. Two (2) of the employees promoted were minorities.

TRAINING

As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals.

An Anti-Discrimination and Civility Statement is posted in each clerk's office throughout the circuit. The Circuit Executive's Office also provides materials to judges and court employees describing their rights and responsibilities with respect to workplace and employment issues and provides a list of resources for obtaining additional information. New court employees receive an orientation in which an EDR Plan is distributed and relevant information is provided.

COMPLAINTS PROCESS

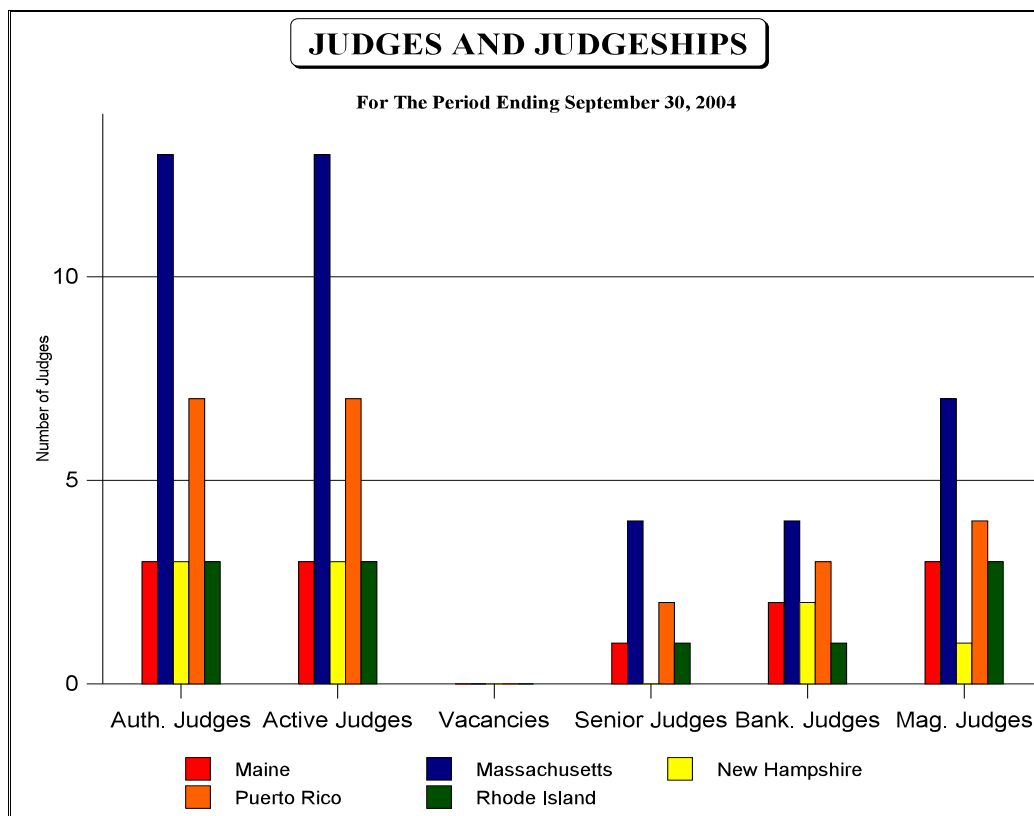
There were no complaints filed during this reporting year.

JUDGESHIP

SUMMARY

JUDGES AND JUDGESHIPS

Judgeship Summary



JUDGES AND JUDGESHIPS						
For the Period Ending September 30, 2004						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	1	2	3
Massachusetts	13	13	0	4	4	7
New Hampshire	3	3	0	0	2	1
Puerto Rico	7	7	0	2	3	4
Rhode Island	3	3	0	1	1	3
Total Dist. Ct.	29	29	0	8	12	18
Total Court of Appeals	6	6	0	4	—	—
Total 1 st Circuit	35	35	0	12	12	18

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER**

2004

Michael Boudin	CJ	Court of Appeals	Executive Committee
Salvador E. Casellas	SJ	Puerto Rico	Committee on the Administration of the Bankruptcy System
Robert F. Collings	MJ	Massachusetts	The Board of the Federal Judicial Center
Nancy Gertner	DJ	Massachusetts	Committee on Information and Technology
Nathaniel M. Gorton	DJ	Massachusetts	Foreign Intelligence Surveillance Court
James B. Haines	BJ	Massachusetts	Committee on Court Administration and Case Management
William C. Hillman	BJ	Massachusetts	Committee on the Administrative Office
Jeffrey R. Howard	CJ	Court of Appeals	Committee on the Judicial Branch
Kermit V. Lipez	CJ	Court of Appeals	Committee on Federal- State Jurisdiction
Mary M. Lisi	DJ	Rhode Island	Committee on Financial Disclosure (Chair)
Sandra L. Lynch	CJ	Court of Appeals	Committee on Court Administration and Case Management

**FIRST CIRCUIT JUDGES SERVING U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER
(Continued)**

2004

José Antonio Fusté	DJ	Puerto Rico	Committee on Criminal Law
George A. O'Toole, Jr.	DJ	Massachusetts	Committee on Security and Facilities
Juan Perez-Gimenez	DJ	Puerto Rico	Committee on International Judicial Relations
Michael Ponsor	DJ	Massachusetts	Committee on the Administration of the Magistrate Judges System
Patti B. Saris	DJ	Massachusetts	Committee on Defender Services (Chair)
Bruce M. Selya	CJ	Court of Appeals	Judicial Panel on Multi-District Litigation
Norman H. Stahl	CJ	Court of Appeals	Committee on the Budget
Ernest C. Torres	DJ	Rhode Island	Advisory Committee on Bankruptcy Rules
Mark L. Wolf	DJ	Massachusetts	Committee on Codes of Conduct
George Z. Singal	DJ	Maine	Committee on Judicial Resources

CJ: Circuit Judge
DJ: District Judge
SJ: Senior Judge
MJ: Magistrate Judge
BJ: Bankruptcy Judge

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2004

Honorable Michael Boudin, Chief Judge, Court of Appeals

Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	Court of Appeals
Honorable Norman H. Stahl	Court of Appeals
Honorable Sandra L. Lynch	Court of Appeals
Honorable Kermit V. Lipez	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable Ronald R. Lagueux	District of Rhode Island
Honorable Nathaniel M. Gorton	District of Massachusetts
Honorable Jay A. Garcia-Gregory	District of Puerto Rico
Honorable Paul J. Barbadoro	District of New Hampshire
Honorable George Z. Singal	District of Maine

Observing Members

Honorable Enrique S. Lamoutte	District of Puerto Rico Bankruptcy Judge
Honorable Joyce London Alexander	District of Massachusetts Magistrate Judge

THE UNITED STATES COURTS FOR THE FIRST CIRCUIT

NEW APPOINTMENTS

District of Puerto Rico	Magistrate Judge Camille Vélez-Rivé
District of Massachusetts	District Judge F. Dennis Saylor
District of Rhode Island	Magistrate Judge Lincoln D. Almond
District of Massachusetts	Bankruptcy Judge Robert Somma

NEW CHIEF JUDGES

District of Puerto Rico	District Judge José Antonio Fusté
District of Maine	Bankruptcy Judge Louis H. Kornrieck
District of New Hampshire	District Judge Steven J. McAuliffe

REAPPOINTMENTS

District of Maine	Bankruptcy Judge James B. Haines, Jr.
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SENIOR STATUS

RETIREMENTS

District of Puerto Rico	Magistrate Judge Jesús A. Castellanos
District of Puerto Rico	Gilberto Gierbolini-Ortiz
District of Rhode Island	Magistrate Judge Robert W. Lovegreen

RESIGNATION

District of Massachusetts	Bankruptcy Judge Carol J. Kenner
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RECALL

District of Rhode Island	Magistrate Judge Robert W. Lovegreen
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**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

Honorable Michael Boudin, Chief Judge

**Honorable Frank M. Coffin
Honorable Levin H. Campbell
Honorable Juan R. Torruella
Honorable Bruce M. Selya
Honorable Conrad K. Cyr**

**Honorable Norman H. Stahl
Honorable Sandra L. Lynch
Honorable Kermit V. Lipez
Honorable Jeffrey R. Howard**

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

**Honorable, George Z. Singal, Chief
Honorable D. Brock Hornby
Honorable Gene Carter
Honorable John A. Woodcock, Jr.**

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MAINE**

**Honorable James B. Haines, Jr., Chief
Honorable Louis H. Kornreich**

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

**Honorable William S. Brownell
Honorable David M. Cohen
Honorable Margaret Kravchuk**

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

**Honorable William G. Young, Chief
Honorable Morris E. Lasker
Honorable Joseph L. Tauro
Honorable Walter J. Skinner
Honorable Robert E. Keeton
Honorable Rya W. Zobel
Honorable Mark L. Wolf
Honorable Douglas P. Woodlock**

**Honorable Edward F. Harrington
Honorable Nathaniel M. Gorton
Honorable Richard G. Stearns
Honorable Reginald C. Lindsay
Honorable Patti B. Saris
Honorable Nancy Gertner
Honorable Michael A. Ponsor
Honorable George A. O'Toole
Honorable F. Dennis Saylor**

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

**Honorable Joan N. Feeney, Chief
Honorable William C. Hillman
Honorable Henry J. Boroff
Honorable Joel B. Rosenthal
Honorable Robert Somma**

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

**Honorable Marianne B. Bowler, Chief
Honorable Robert C. Collings
Honorable Lawrence P. Cohen
Honorable Joyce London Alexander**

**Honorable Charles B. Swartwood
Honorable Kenneth P. Neiman
Honorable Judith G. Dein**

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

**Honorable Steven J. McAuliffe, Chief
Honorable Joseph A. DiClerico
Honorable Paul J. Barbadoro**

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

**Honorable Mark W. Vaughn, Chief
Honorable Michael J. Deasy**

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable James R. Muirhead

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

**Honorable, Jose Antonio Fusté, Chief
Honorable Juan M. Pérez-Giménez
Honorable Carmen Consuelo Cerezo
Honorable Jaime Pieras, Jr.
Honorable Raymond L. Acosta**

**Honorable Héctor M. Laffitte
Honorable Salvador E. Casellas
Honorable Daniel R. Dominguez
Honorable Jay A. Garcia-Gregory**

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF PUERTO RICO**

**Honorable Gerardo A. Carlo-Altieri, Chief
Honorable Sara E. De Jesús
Honorable Enrique S. Lamoutte**

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

**Honorable Justo Arenas
Honorable Aida M. Delgado-Colón
Honorable Gustavo A. Gelpi
Honorable Camille Vélez-Rivé**

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

**Honorable Ernest C. Torres, Chief
Honorable Ronald R. Lagueux
Honorable Mary M. Lisi
Honorable William E. Smith**

**JUDGE OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable Arthur N. Votolato, Chief

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

**Honorable Robert W. Lovegreen
Honorable Jacob Hagopian
Honorable David L. Martin
Honorable Lincoln D. Almond**

CIRCUIT EXECUTIVE

Gary H. Wente
United States Courts for the First Circuit

FIRST CIRCUIT CLERKS OF COURT

Richard Cushing Donovan
Court of Appeals

William S. Brownell
District of Maine

Tony Anastas
District of Massachusetts

James R. Starr
District of New Hampshire

Frances Rios de Moran
District of Puerto Rico

David DiMarzio
District of Rhode Island

FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT

Celia Strickler
District of Maine

James Lynch
District of Massachusetts

George A. Vannah
District of New Hampshire

Celestino Matta-Mendez
District of Puerto Rico

Susan M. Thurston
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PROBATION

Claire Cooper
District of Maine

John Bocon
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

John R. Riley
District of Massachusetts

Hector R. Torres-Quinones
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

Owen S. Walker
District of Massachusetts
District of New Hampshire

Joseph C. Laws, Jr.
District of Puerto Rico

STATISTICAL REPORTS

STATISTICS

COURT OF APPEALS

U.S. COURT OF APPEALS NATIONAL COMPARISON
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2003 & 2004

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2003	2004	Percent Change	2003	2004	Percent Change	2003*	2004	Percent Change
TOTAL	60,847	62,762	3.1%	56,396	56,381	0%	44,600	51,071	14.3%
DISTRICT OF COLUMBIA	1,121	1,390	24%	1,182	1,155	-2.3%	1,031	1,266	22.8%
FIRST	1,844	1,723	-6.6%	1,573	1,643	4.5%	1,521	1,601	5.3%
SECOND	6,359	7,008	10.2%	4,262	4,611	8.2%	6,843	9,240	35%
THIRD	3,957	3,871	-2.2%	3,801	3,787	-.4%	3,248	3,332	2.6%
FOURTH	4,887	4,957	1.4%	4,668	4,713	1.0%	2,522	2,766	9.7%
FIFTH	8,613	8,509	-1.2%	9,135	8,100	-11.3%	4,445	4,854	9.2%
SIXTH	4,964	4,841	-2.5%	4,557	4,655	2.2%	4,348	4,534	4.3%
SEVENTH	3,517	3,377	-4.0%	3,390	3,294	-2.8%	2,292	2,375	-3.6%
EIGHTH	3,190	3,101	-2.8%	2,896	2,916	0.7%	1,808	1,993	10.2%
NINTH	12,872	14,274	10.9%	11,220	12,151	8.3%	11,294	13,417	18.8%
TENTH	2,540	2,646	4.2%	2,627	2,448	-6.8%	1,953	2,151	10.1%
ELEVENTH	6,983	7,065	1.2%	7,085	6,908	-2.5%	3,385	3,542	4.6%

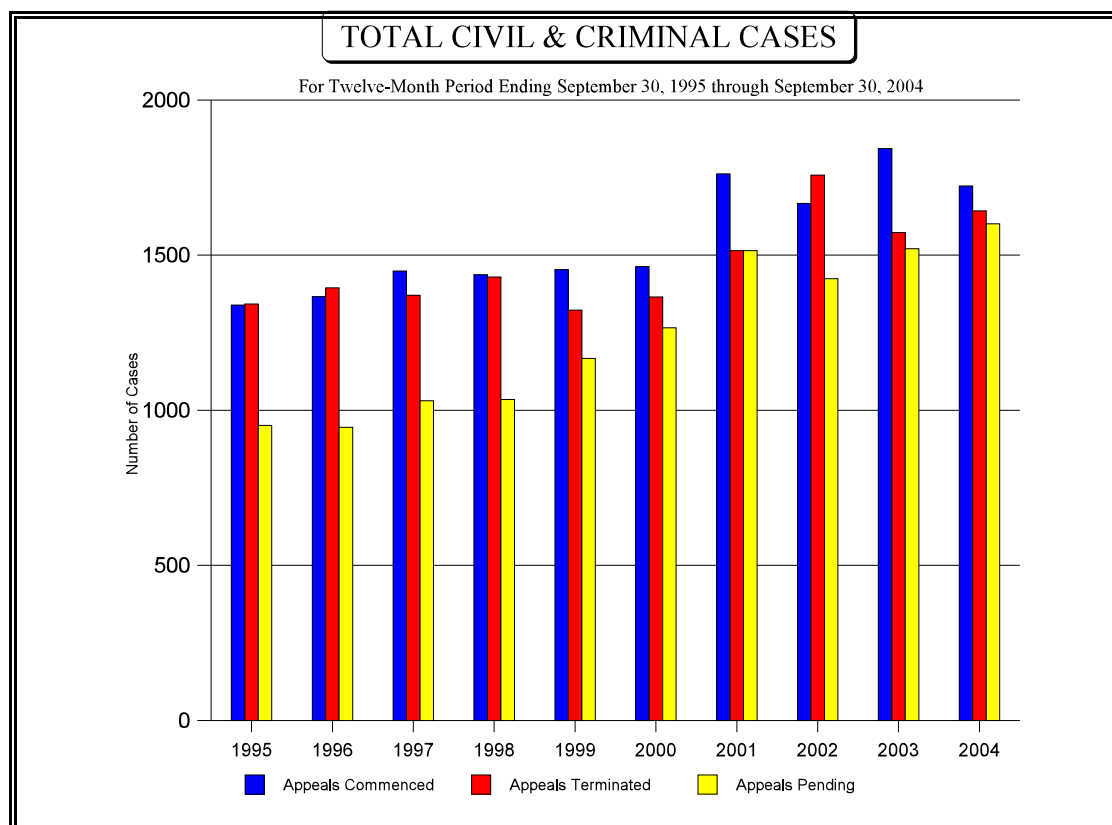
*PENDING CASELOADS FOR 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE
12-MONTH PERIODS ENDING SEPTEMBER 30, 1997 - 2004

SOURCE	1997	1998	1999	2000	2001	2002	2003	2004
FIRST CIRCUIT TOTALS	1,449	1,437	1,454	1,463	1,762	1,667	1,844	1,723
MAINE	168	134	139	128	164	115	141	143
MASSACHUSETTS	599	556	538	537	659	621	635	578
NEW HAMPSHIRE	133	119	126	105	112	96	117	121
PUERTO RICO	312	331	338	358	498	524	574	510
RHODE ISLAND	111	130	134	156	150	134	122	116
BANKRUPTCY	36	34	40	32	24	35	36	19
U.S. TAX COURT	5	10	1	5	3	3	5	4
NLRB	12	11	5	7	5	10	3	4
ADMINISTRATIVE AGENCIES	61	58	67	54	55	69	145	156
ORIGINAL PROCEEDINGS	12	54	66	81	92	60	66	72

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS.

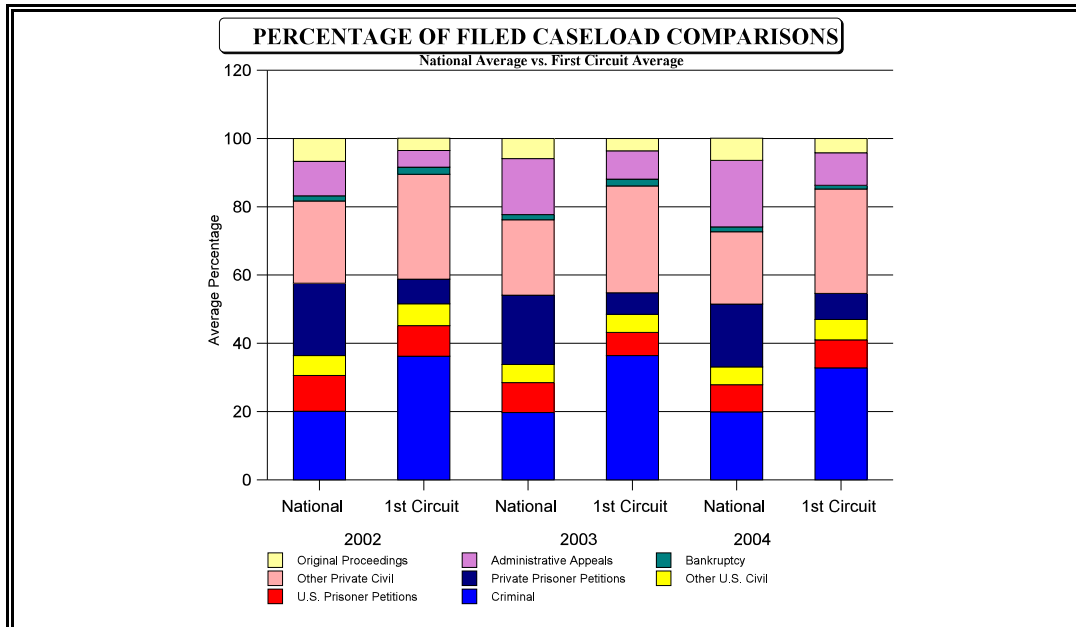
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING
SEPTEMBER 30, 1995 THROUGH SEPTEMBER 30, 2004



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
COMPARISON 1995 - 2004

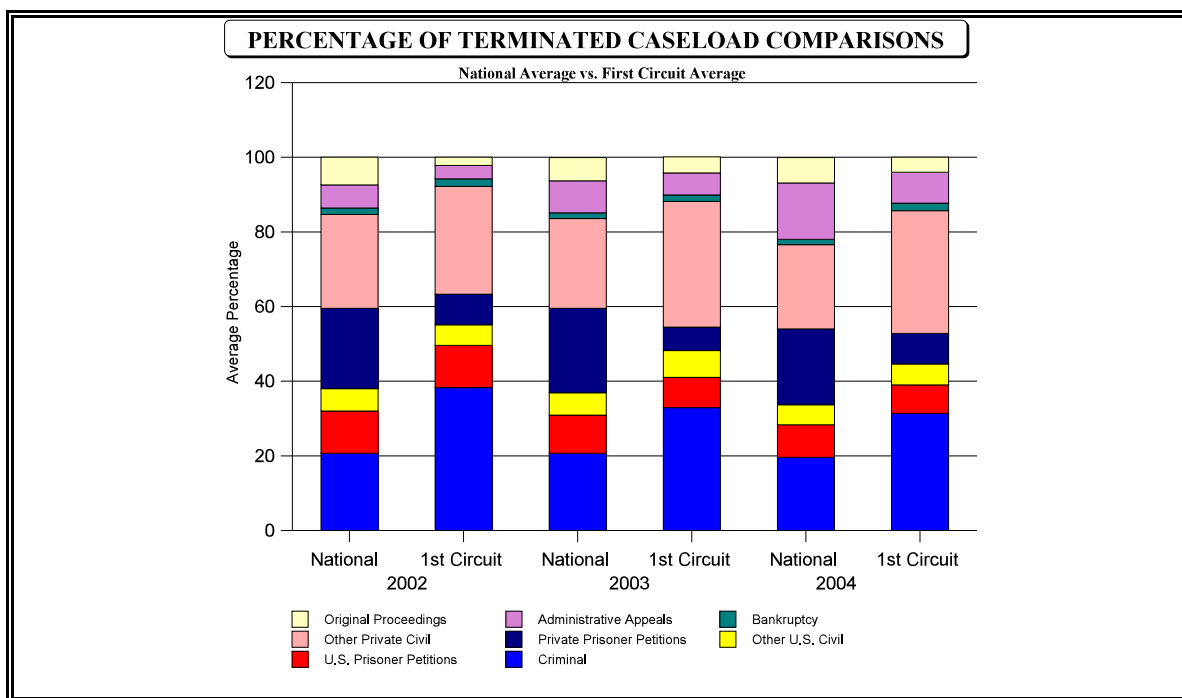
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
APPEALS COMMENCED	1,339	1,367	1,449	1,437	1,454	1,463	1,762	1,667	1,844	1,723
APPEALS TERMINATED	1,343	1,395	1,371	1,430	1,323	1,365	1,515	1,758	1,573	1,643
APPEALS PENDING	951	945	1,031	1,035	1,167	1,266	1,515	1,424	1,521	1,601

CIRCUIT COMPARISON FOR FILED CASELOAD



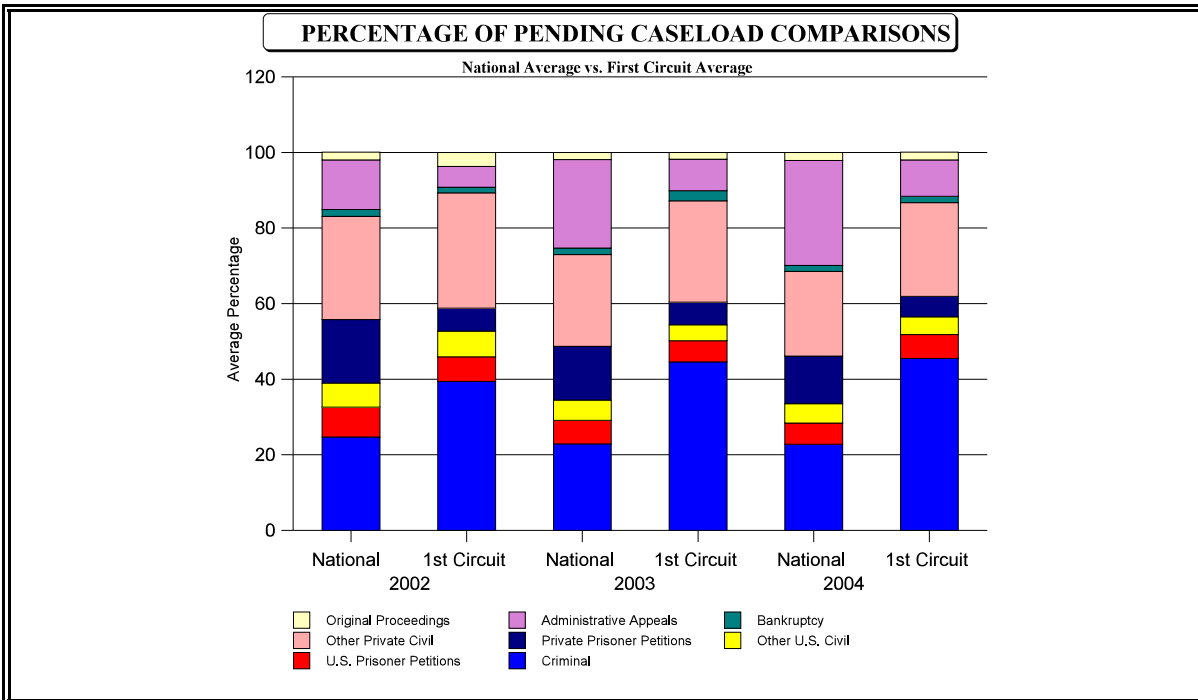
FILED CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2002 THROUGH SEPTEMBER 30, 2004						
	2002		2003		2004	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	20.1	36.2	19.7	36.4	19.9	32.8
U.S. PRISONER PETITIONS	10.5	9.0	8.8	6.8	8.0	8.2
OTHER U.S. CIVIL	5.8	6.4	5.3	5.3	5.2	6.0
PRIVATE PRISONER PETITIONS	21.2	7.2	20.3	6.3	18.4	7.6
OTHER PRIVATE CIVIL	24.1	30.7	22.1	31.3	21.2	30.6
BANKRUPTCY	1.5	2.1	1.5	2.0	1.4	1.1
ADMINISTRATIVE APPEALS	10.1	4.9	16.4	8.3	19.5	9.5
ORIGINAL PROCEEDINGS	6.7	3.6	5.9	3.6	6.5	4.2

CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2002 THROUGH 2004						
	2002		2003		2004	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	20.7	38.3	20.7	32.9	19.6	31.4
U.S. PRISONER PETITIONS	11.3	11.3	10.2	8.1	8.7	7.6
OTHER U.S. CIVIL	6.0	5.5	6.0	7.2	5.4	5.6
PRIVATE PRISONER PETITIONS	21.5	8.2	22.6	6.3	20.3	8.2
OTHER PRIVATE CIVIL	25.2	28.9	24.1	33.7	22.6	32.9
BANKRUPTCY	1.7	2.0	1.5	1.7	1.4	2.0
ADMINISTRATIVE APPEALS	6.2	3.6	8.6	5.9	15.1	8.3
ORIGINAL PROCEEDINGS	7.4	2.2	6.2	4.3	6.8	4.0

CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON						
PERCENT OF TOTAL FROM SEPTEMBER 30, 2002 THROUGH 2004						
	2002		2003		2004	
	National Average	1 st Circuit Average	National Average	1 st Circuit Average	National Average	1 st Circuit Average
CRIMINAL	24.7	39.4	22.9	44.6	22.8	45.5
U.S. PRISONER PETITIONS	7.9	6.5	6.2	5.6	5.6	6.3
OTHER U.S. CIVIL	6.4	6.8	5.4	4.2	5.1	4.7
PRIVATE PRISONER PETITIONS	16.8	6.1	14.2	6.0	12.6	5.4
OTHER PRIVATE CIVIL	27.3	30.5	24.3	26.8	22.4	24.8
BANKRUPTCY	1.8	1.5	1.7	2.7	1.6	1.7
ADMINISTRATIVE APPEALS	13.1	5.5	23.4	8.3	27.8	9.6
ORIGINAL PROCEEDINGS	3.0	2.1	2.1	3.7	2.1	2.1

FIRST CIRCUIT TYPES OF CASES COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2002		2003		2004	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	20.1	36.2	19.7	36.4	19.9	32.8
U.S. PRISONER PETITIONS	10.5	9.0	8.8	6.8	8.0	8.2
OTHER U.S. CIVIL	5.8	6.4	5.3	5.3	5.2	6.0
PRIVATE PRISONER PETITIONS	21.2	7.2	20.3	6.3	18.4	7.6
OTHER PRIVATE CIVIL	24.1	30.7	22.1	31.3	21.2	30.6
BANKRUPTCY	1.5	2.1	1.5	2.0	1.4	1.1
ADMINISTRATIVE APPEALS	10.1	4.9	16.4	8.3	19.5	9.5
ORIGINAL PROCEEDINGS	6.7	3.6	5.9	3.6	6.5	4.2

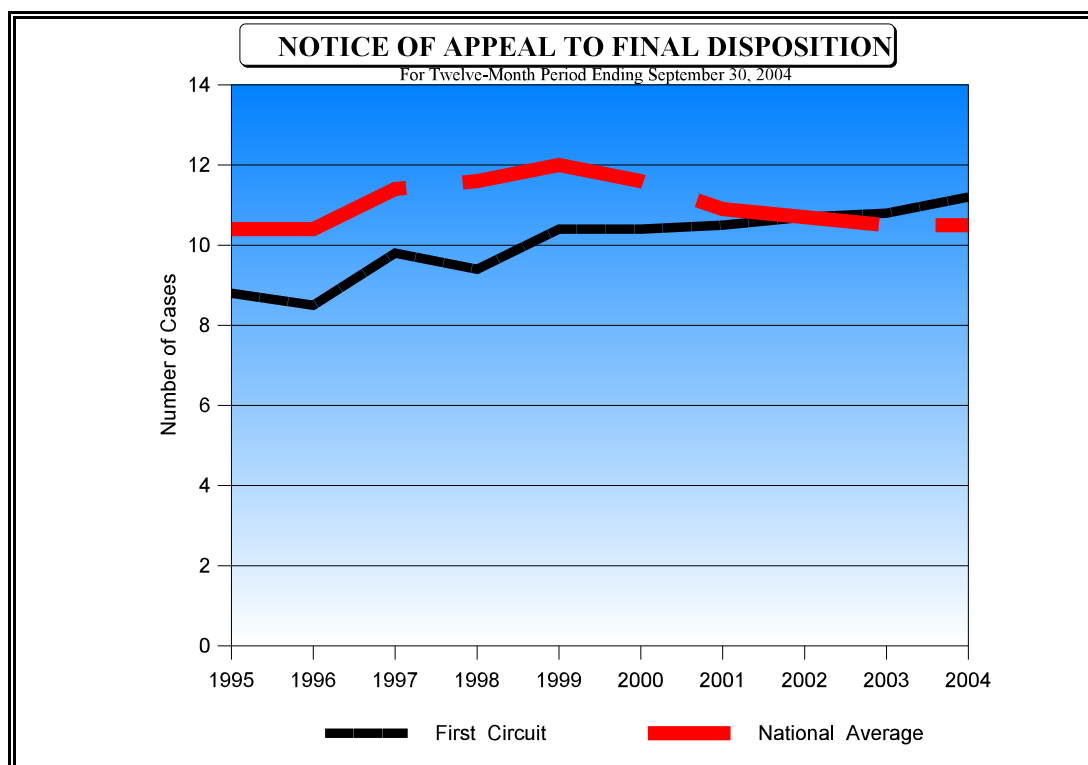
■ NATIONAL AVERAGE

■ FIRST CIRCUIT

UNITED STATES COURT OF APPEALS
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES
 TERMINATED AFTER HEARING OR SUBMISSION,
 BY CIRCUIT DURING THE
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2004

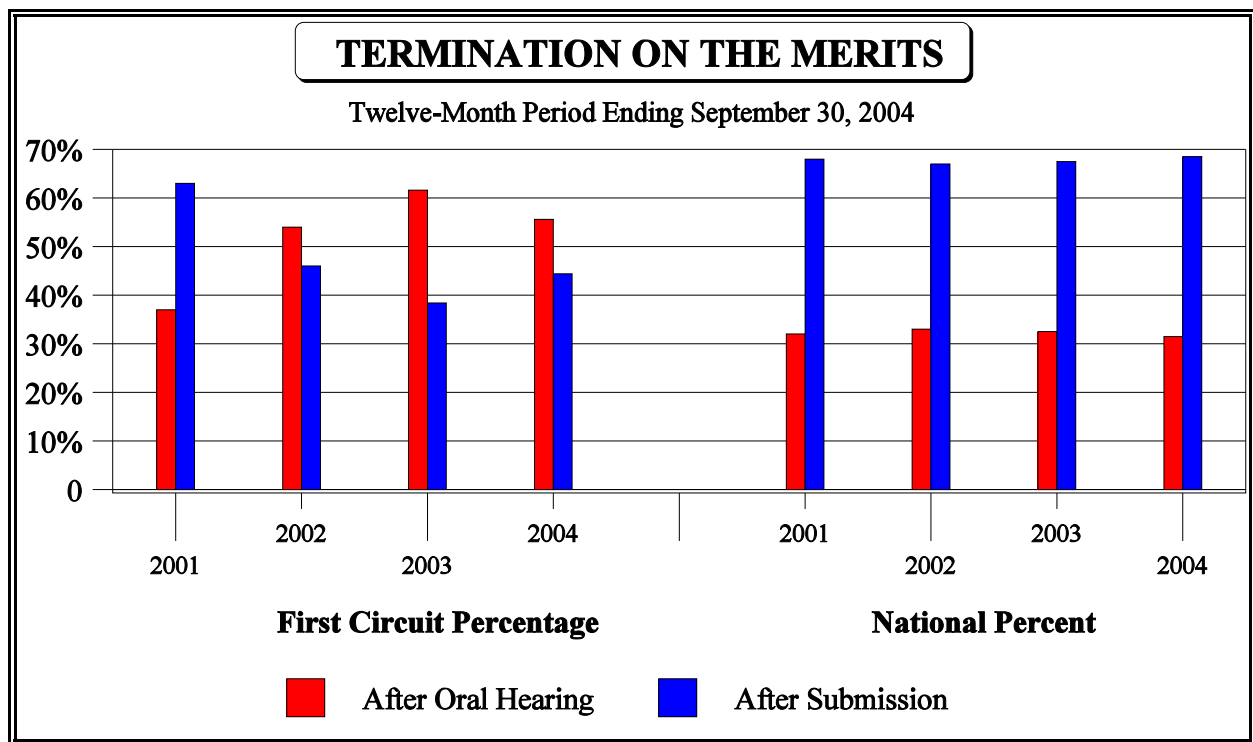
	CASE	INTV
TOTAL	20,434	10.5
DISTRICT OF COLUMBIA	304	10.5
FIRST	555	11.2
SECOND	1,449	11.0
THIRD	1,600	11.6
FOURTH	1,852	7.5
FIFTH	3,376	8.5
SIXTH	2,009	16.8
SEVENTH	1,159	10.3
EIGHTH	1,473	9.8
NINTH	3,021	14.0
TENTH	1,159	11.7
ELEVENTH	2,477	8.8

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION TIME FROM 1995 - 2004



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 1995 - 2004										
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
FIRST CIRCUIT	8.8	8.5	9.8	9.4	10.4	10.4	10.5	10.7	10.8	11.2
NATIONAL AVERAGE	10.4	10.4	11.4	11.6	12.0	11.6	10.9	10.7	10.5	10.5

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION 2001 THROUGH 2004



DISPOSITION OF CASELOADS IN PERCENTAGES FIRST CIRCUIT VS. NATIONAL CASELOAD								
FIRST CIRCUIT PERCENTAGES					NATIONAL PERCENTAGES TOTALS			
	2001	2002	2003	2004	2001	2002	2003	2004
AFTER ORAL HEARING	37%	54%	62%	55.6%	32%	33%	32.5%	31.5%
AFTER SUBMISSION	63%	46%	38%	44.4%	68%	67%	67.5%	68.5%

STATISTICS

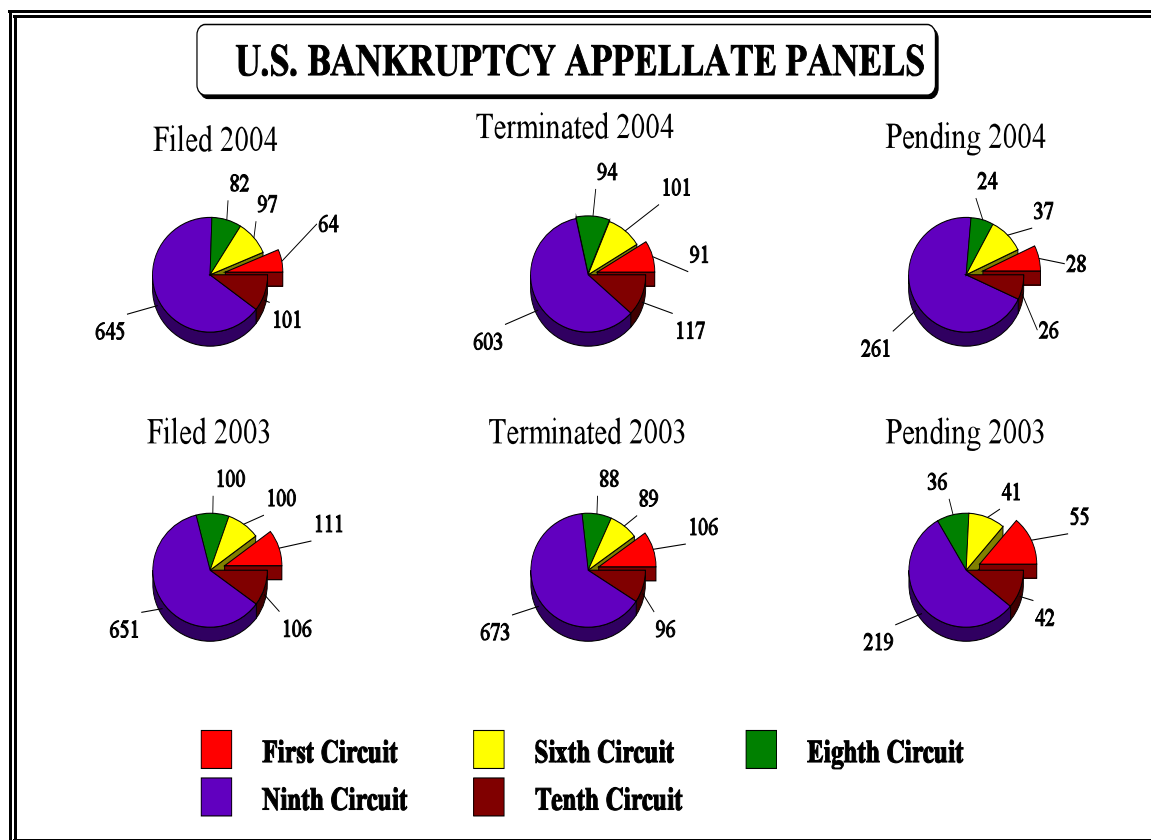
U.S. BANKRUPTCY

APPELLATE PANELS

U.S. BANKRUPTCY APPELLATE PANELS

APPEALS FILED, TERMINATED AND PENDING BY CIRCUIT

FOR 12-MONTH PERIODS AS OF SEPTEMBER 30, 2003 AND 2004



U.S. BANKRUPTCY APPELLATE PANELS									
DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2003 AND 2004									
	Filed			Terminated			Pending		
	2003	2004	% Change	2003	2004	% Change	2003*	2004	% Change
FIRST CIRCUIT	111	64	-42.3%	106	91	-14.2%	55	28	-49.1%
SIXTH CIRCUIT	100	97	-3.0%	89	101	13.5%	41	37	-9.8%
EIGHTH CIRCUIT	100	82	-18.0%	88	94	6.8%	36	24	-33.3%
NINTH CIRCUIT	651	645	-0.9%	673	603	-10.4%	219	261	19.2%
TENTH CIRCUIT	106	101	-4.7%	96	117	21.9%	42	26	-38.1%
TOTAL	1,068	989	-7.4%	1,052	1,006	-4.4%	393	376	-4.3%

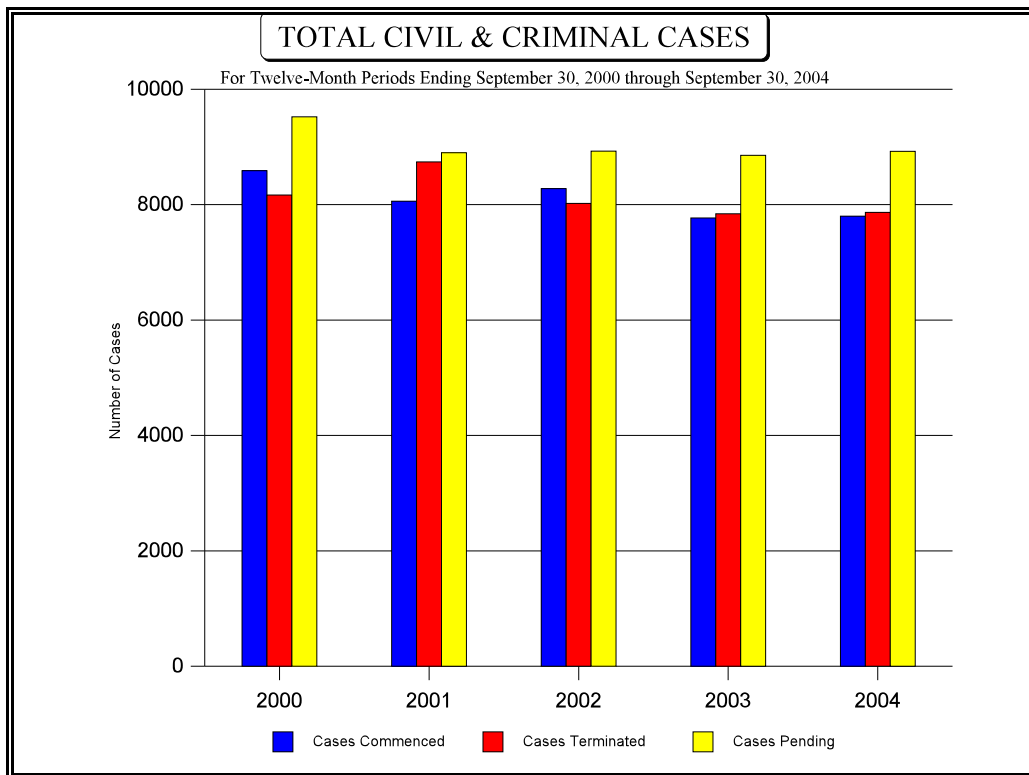
*TOTAL CASES PENDING IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

STATISTICS

FIRST CIRCUIT

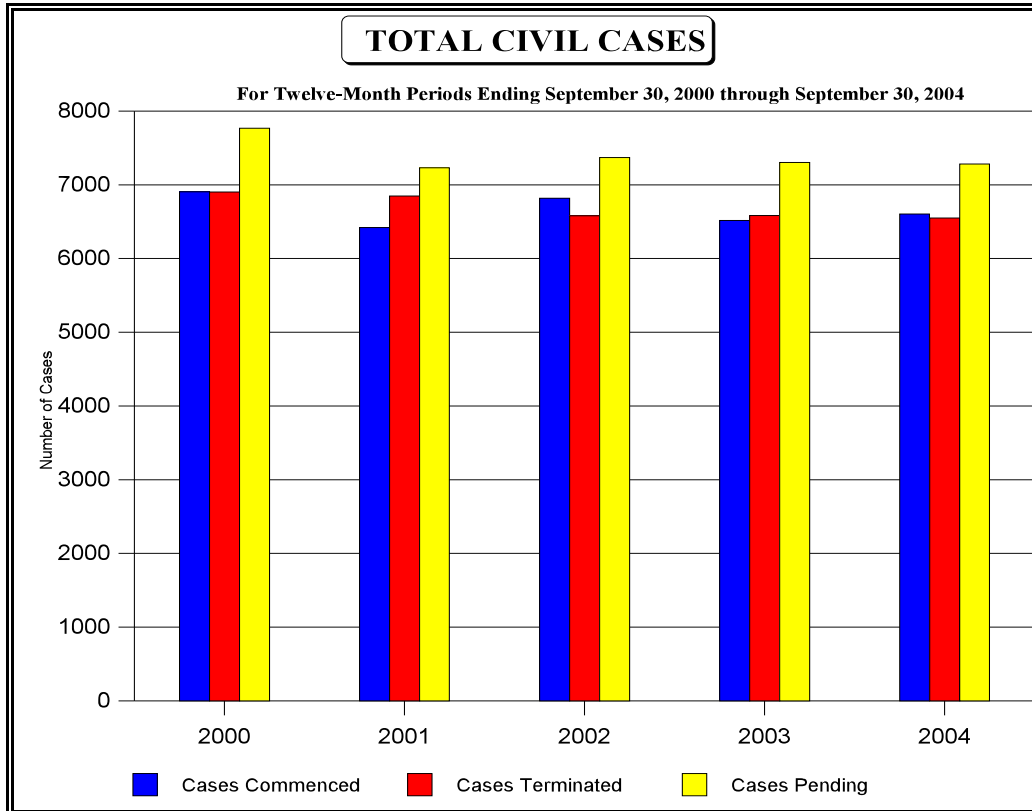
DISTRICT COURTS

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



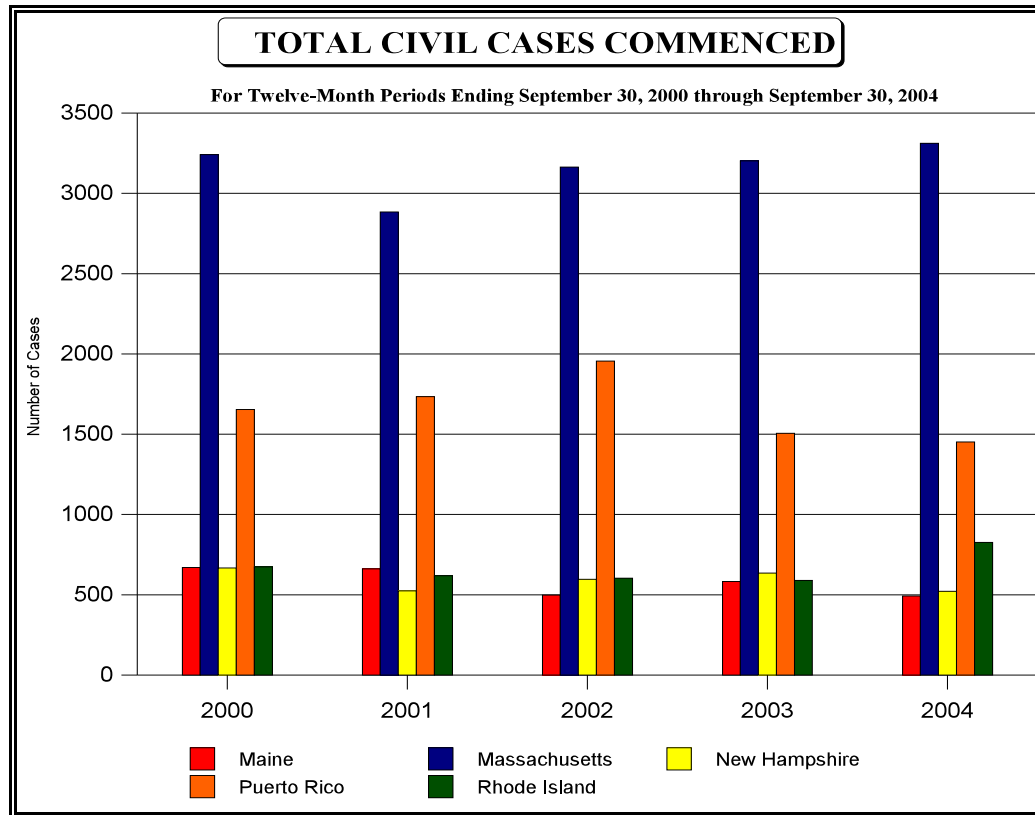
TOTAL CIVIL & CRIMINAL CASES FROM 2000 THROUGH 2004					
	2000	2001	2002	2003	2004
CASES COMMENCED	8,588	8,060	8,277	7,769	7,802
CASES TERMINATED	8,168	8,741	8,023	7,842	7,866
CASES PENDING	9,524	8,899	8,927	8,854	8,923

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



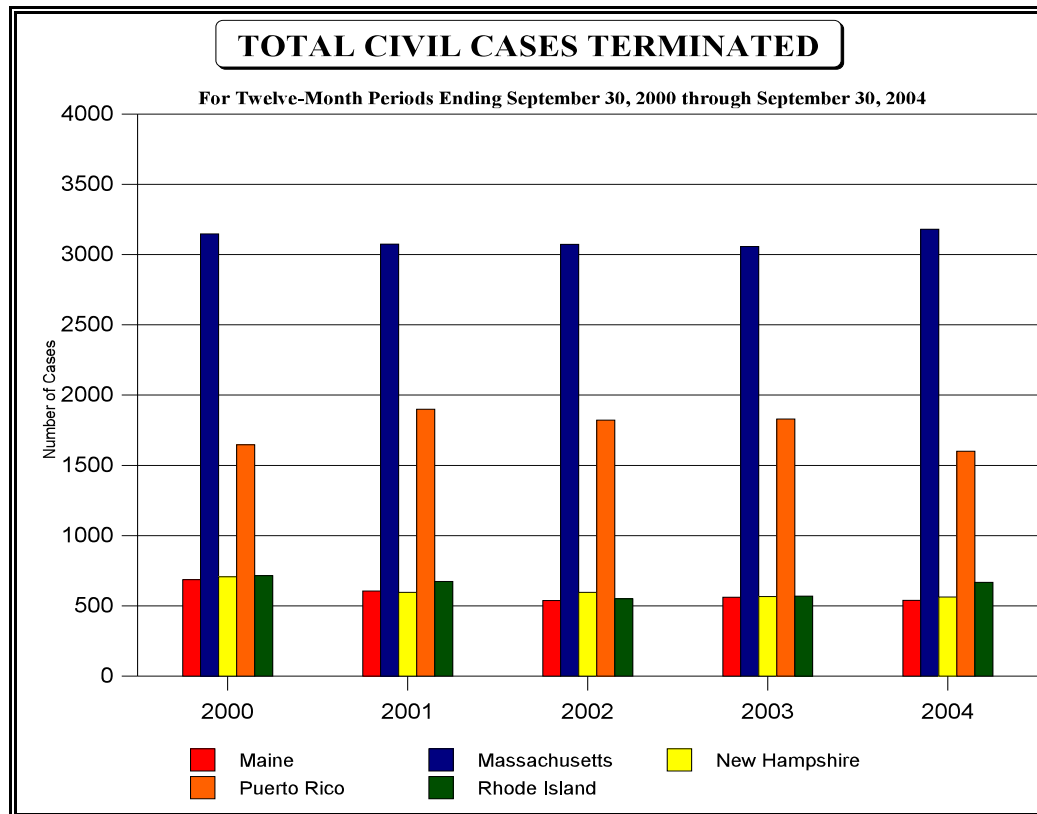
TOTAL CIVIL CASES FROM 2000 THROUGH 2004					
	2000	2001	2002	2003	2004
CASES COMMENCED	6,906	6,422	6,817	6,516	6,604
CASES TERMINATED	6,903	6,850	6,579	6,583	6,551
CASES PENDING	7,768	7,230	7,371	7,304	7,283

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



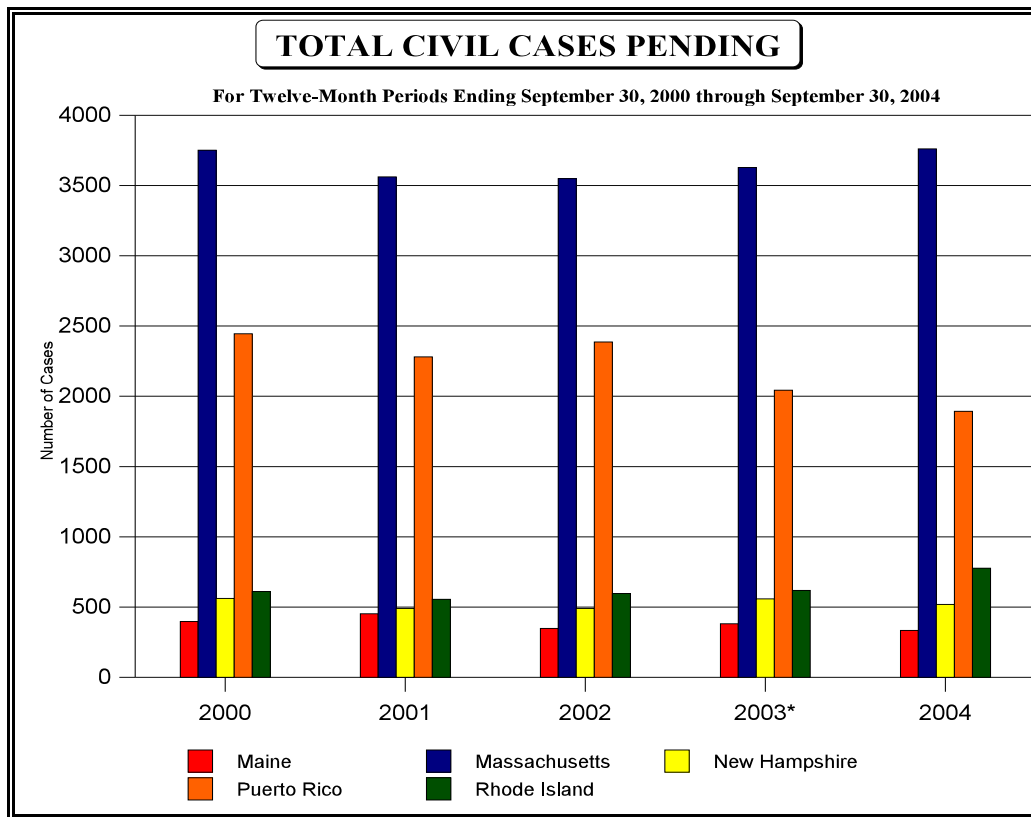
CIVIL CASES COMMENCED FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003	2004
MAINE	670	661	498	583	492
MASSACHUSETTS	3,241	2,884	3,164	3,202	3,312
NEW HAMPSHIRE	667	525	597	635	522
PUERTO RICO	1,654	1,734	1,955	1,506	1,452
RHODE ISLAND	674	618	603	590	826

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003	2004
MAINE	687	605	537	561	540
MASSACHUSETTS	3,148	3,074	3,073	3,057	3,180
NEW HAMPSHIRE	707	597	597	566	563
PUERTO RICO	1,646	1,900	1,822	1,830	1,601
RHODE ISLAND	715	674	550	569	667

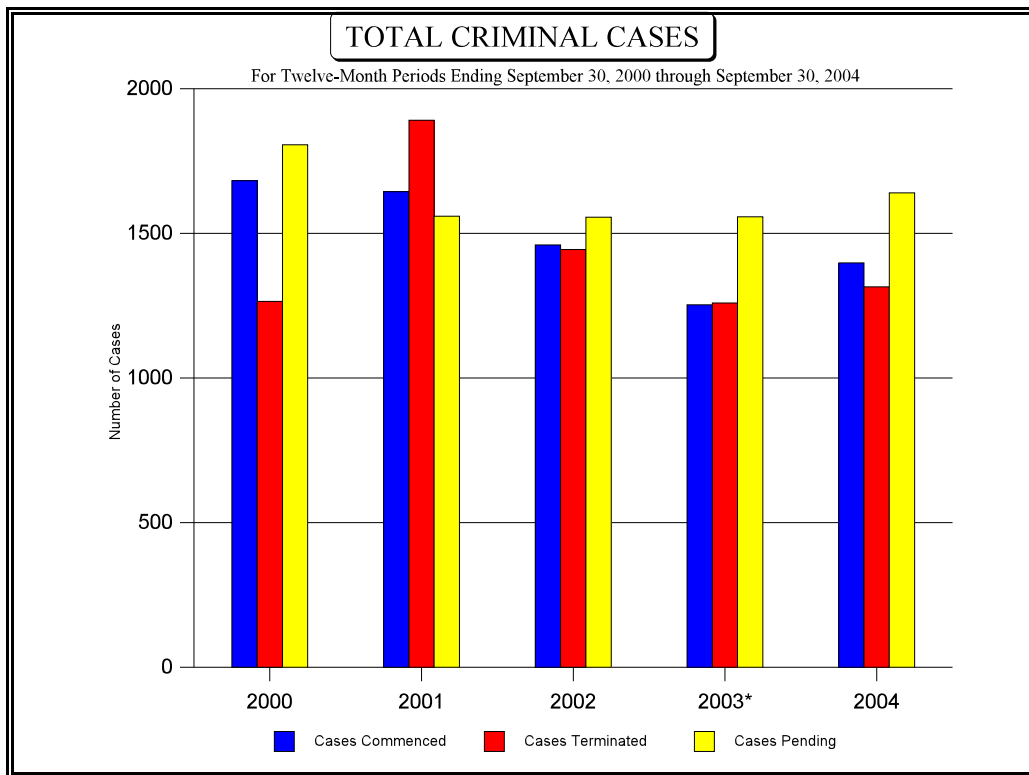
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003*	2004
MAINE	397	453	348	381	333
MASSACHUSETTS	3,752	3,562	3,550	3,629	3,761
NEW HAMPSHIRE	562	490	490	559	518
PUERTO RICO	2,446	2,280	2,387	2,043	1,894
RHODE ISLAND	611	555	596	618	777

*TOTAL CIVIL CASES PENDING IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

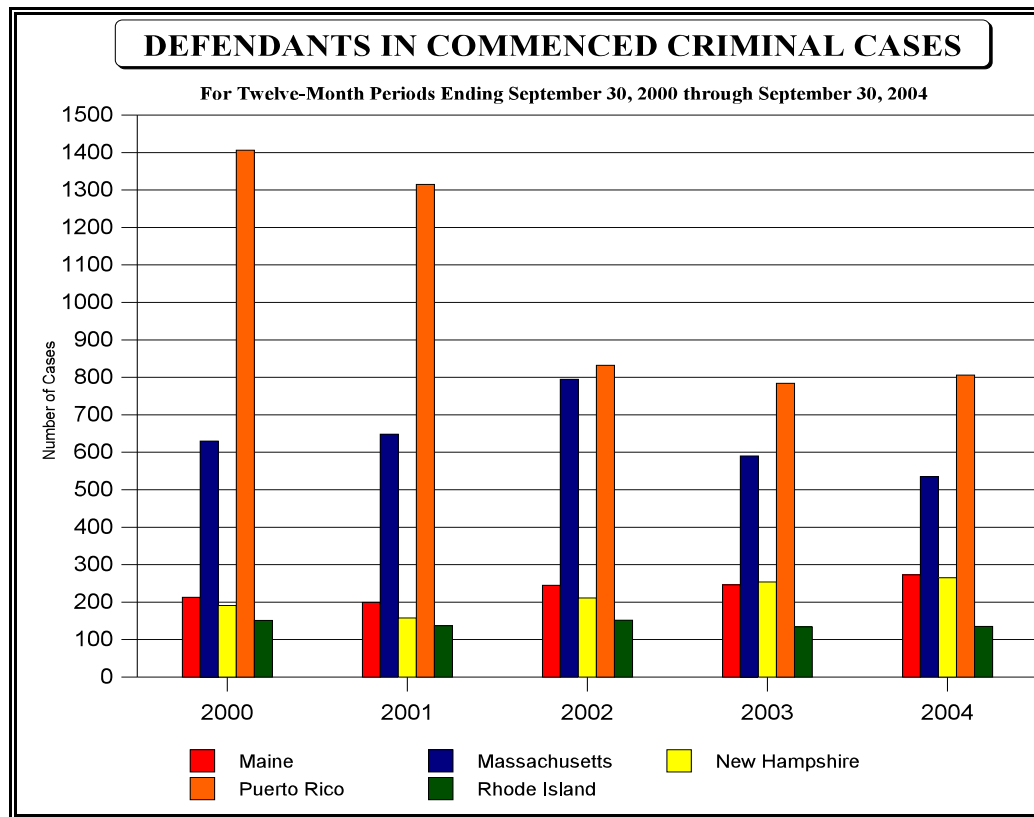
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CRIMINAL CASES FROM 2000 THROUGH 2004					
	2000	2001	2002	2003*	2004
CASES COMMENCED	1,682	1,644	1,460	1,253	1,398
CASES TERMINATED	1,265	1,891	1,444	1,259	1,315
CASES PENDING	1,806	1,559	1,556	1,557	1,640

*TOTAL CRIMINAL CASES PENDING IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

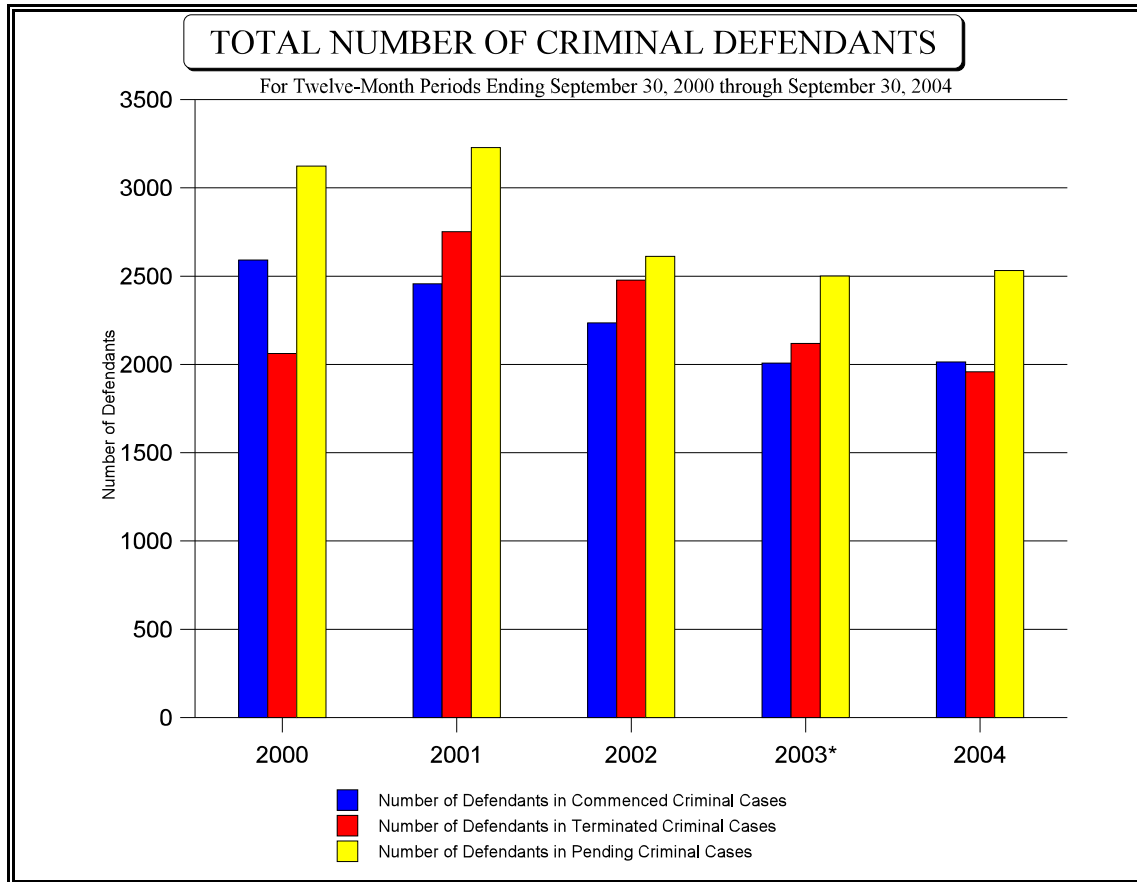
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2000 THROUGH 2004

DISTRICTS	2000	2001	2002	2003	2004
MAINE	213	199	245	246	273
MASSACHUSETTS	630	648	795	590	535
NEW HAMPSHIRE	191	158	211	254	265
PUERTO RICO	1,406	1,315	832	784	806
RHODE ISLAND	151	137	152	134	135

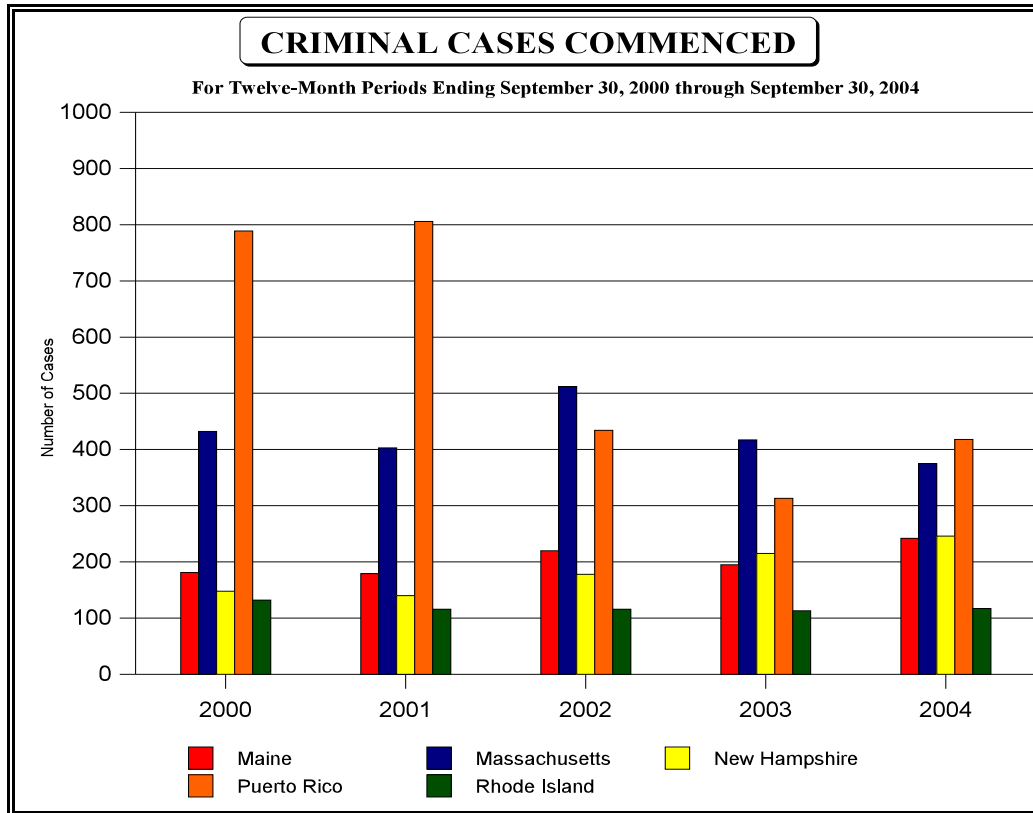
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2000 THROUGH 2004					
	2000	2001	2002	2003*	2004
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,591	2,457	2,235	2,008	2,014
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	2,062	2,752	2,477	2,119	1,959
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	3,123	3,228	2,612	2,477	2,532

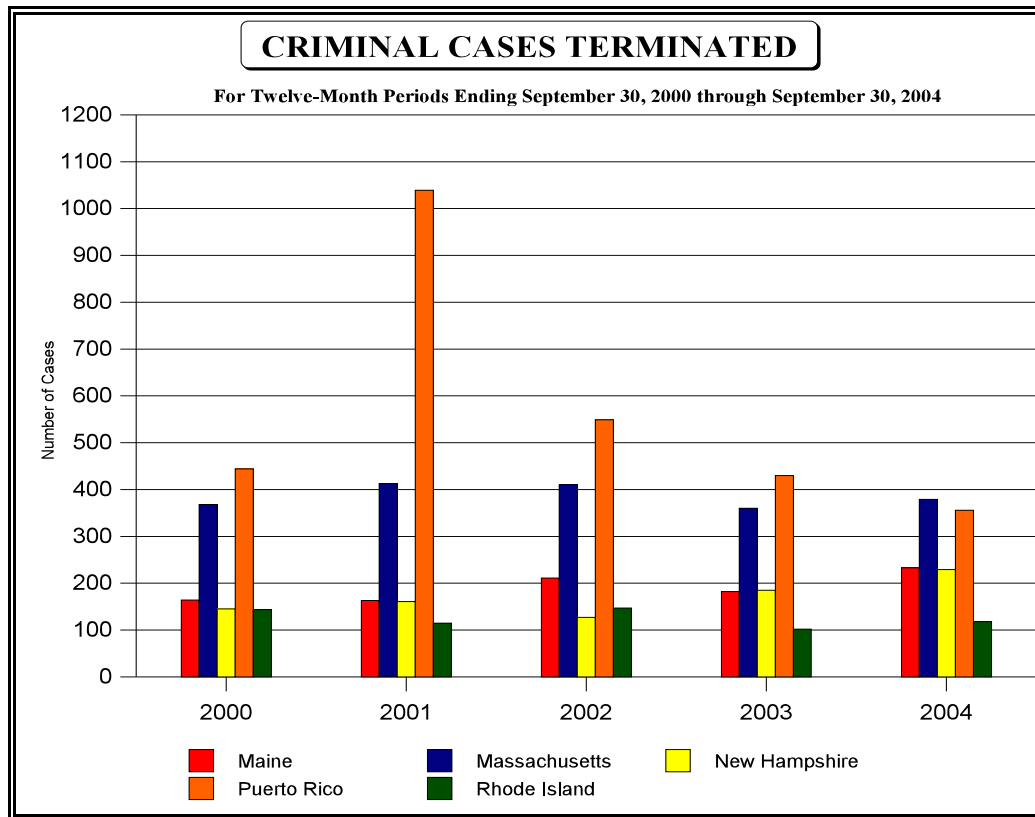
*TOTAL NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES IN 2003 REVISED BY THE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



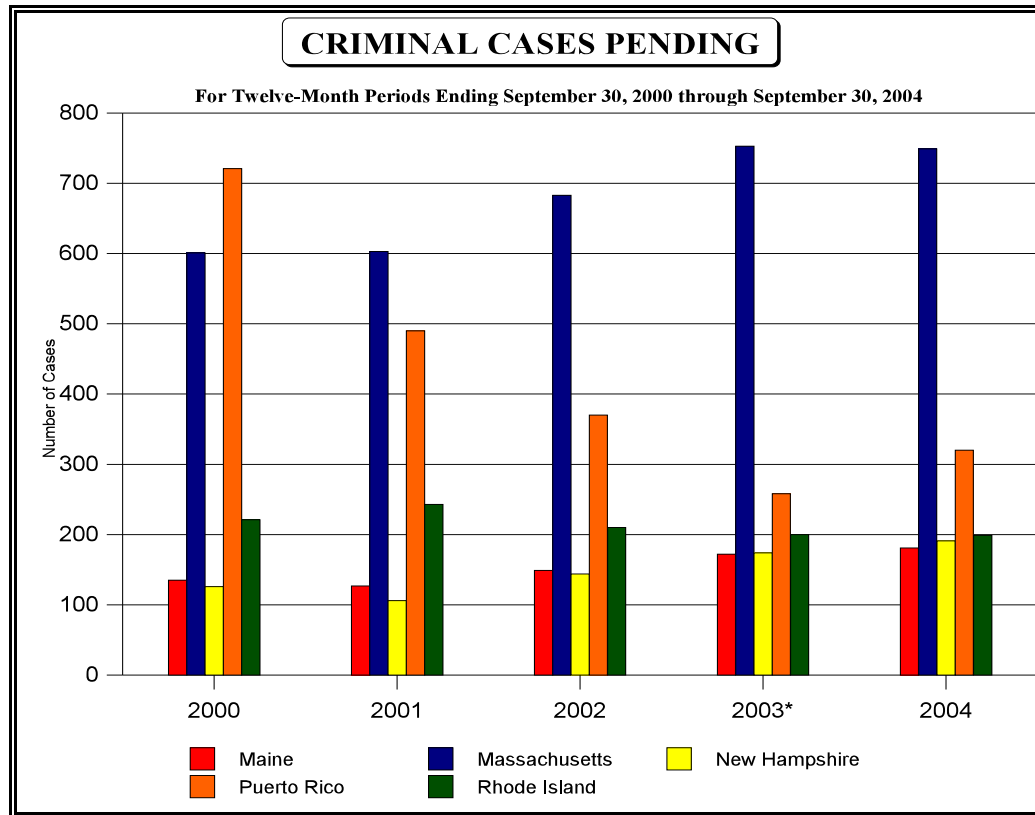
CRIMINAL CASES COMMENCED FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003	2004
MAINE	181	179	220	195	242
MASSACHUSETTS	432	403	512	417	375
NEW HAMPSHIRE	148	140	178	215	246
PUERTO RICO	789	806	434	313	418
RHODE ISLAND	132	116	116	113	117

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES TERMINATED FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003	2004
MAINE	164	163	211	182	233
MASSACHUSETTS	368	413	410	360	379
NEW HAMPSHIRE	145	161	127	185	229
PUERTO RICO	444	1,039	549	430	356
RHODE ISLAND	144	115	147	102	118

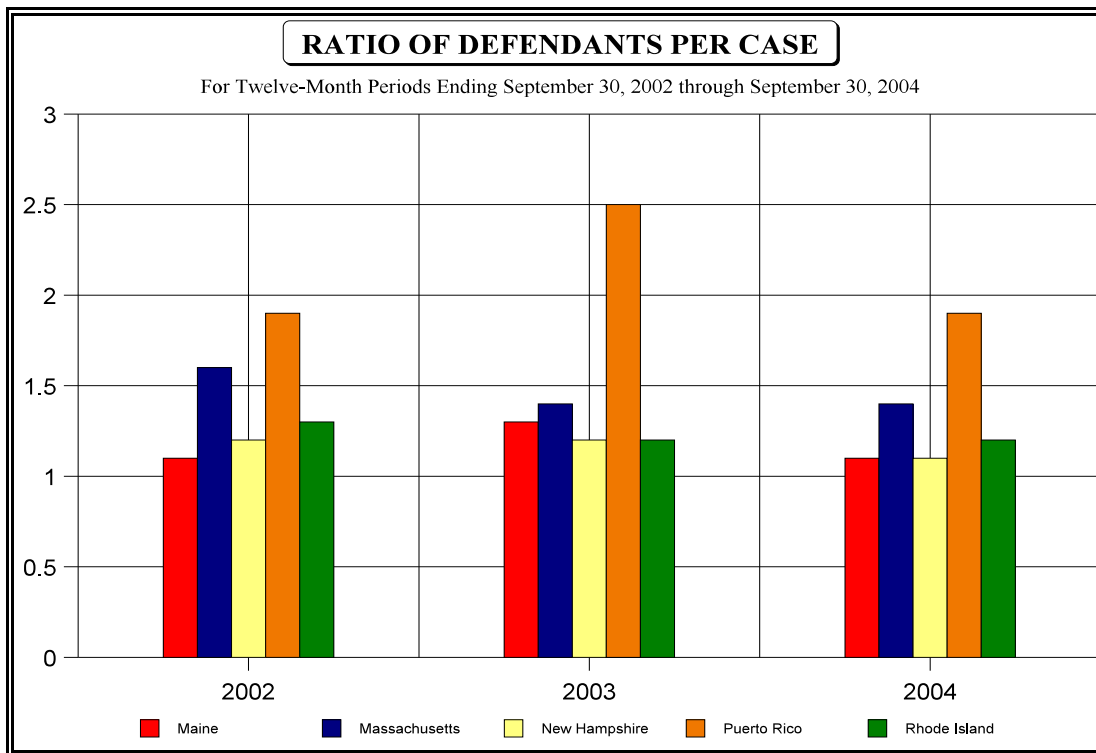
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003*	2004
MAINE	135	127	149	172	181
MASSACHUSETTS	601	603	683	753	749
NEW HAMPSHIRE	126	106	144	174	191
PUERTO RICO	721	490	370	258	320
RHODE ISLAND	221	243	210	200	199

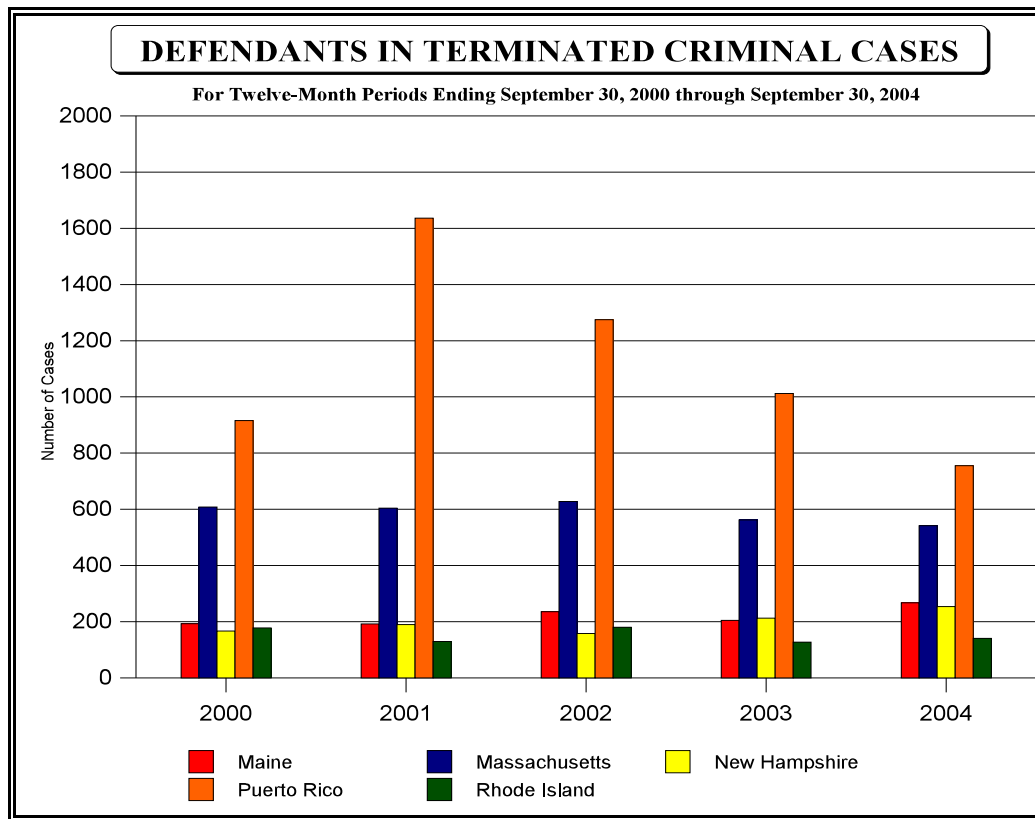
*CRIMINAL CASES PENDING IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE									
	2002		Average Number of Defs. per case	2003		Average Number of Defs. per case	2004		Average Number of Defs. per case
	No. of Cases	No. of Defs.		No. of Cases	No. of Defs.		No. of Cases	No. of Defs.	
MAINE	220	245	1.1	195	246	1.3	242	273	1.1
MASSACHUSETTS	512	795	1.6	417	590	1.4	375	535	1.4
NEW HAMPSHIRE	178	211	1.2	215	254	1.2	246	265	1.1
PUERTO RICO	434	832	1.9	313	784	2.5	418	806	1.9
RHODE ISLAND	116	152	1.3	113	134	1.2	117	135	1.2

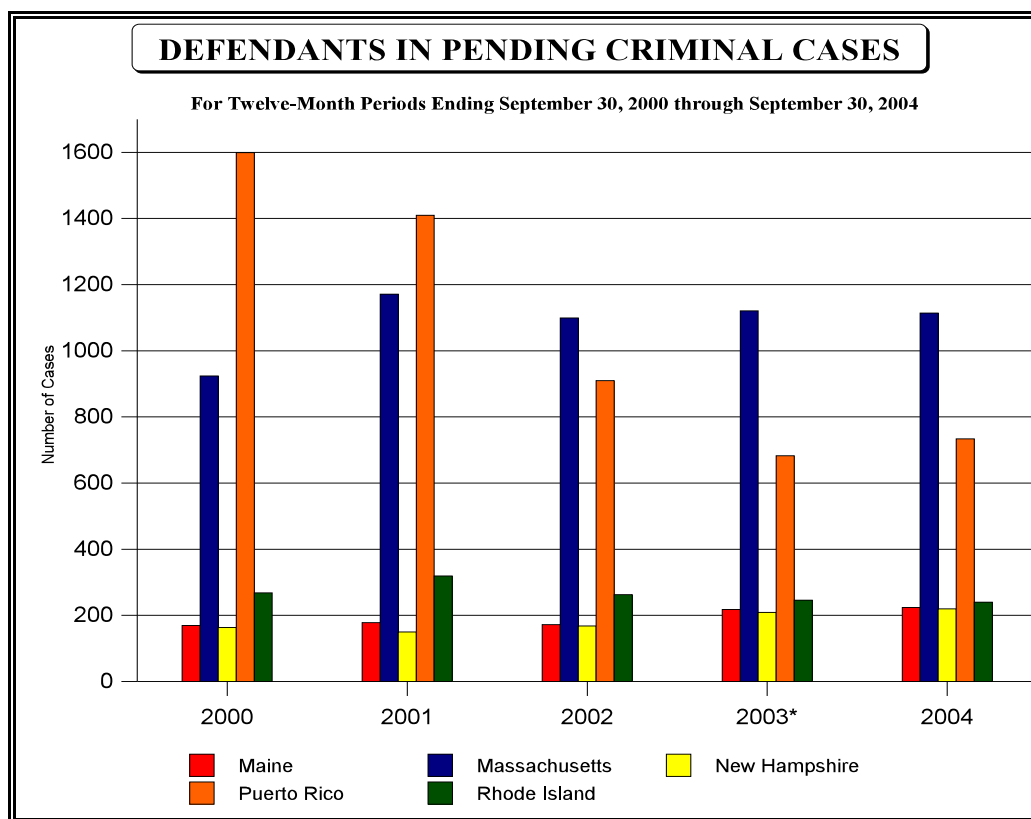
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2000 THROUGH 2004

DISTRICTS	2000	2001	2002	2003	2004
MAINE	193	192	236	205	267
MASSACHUSETTS	608	604	628	562	542
NEW HAMPSHIRE	167	190	158	213	254
PUERTO RICO	916	1,636	1,275	1,012	755
RHODE ISLAND	178	130	180	127	141

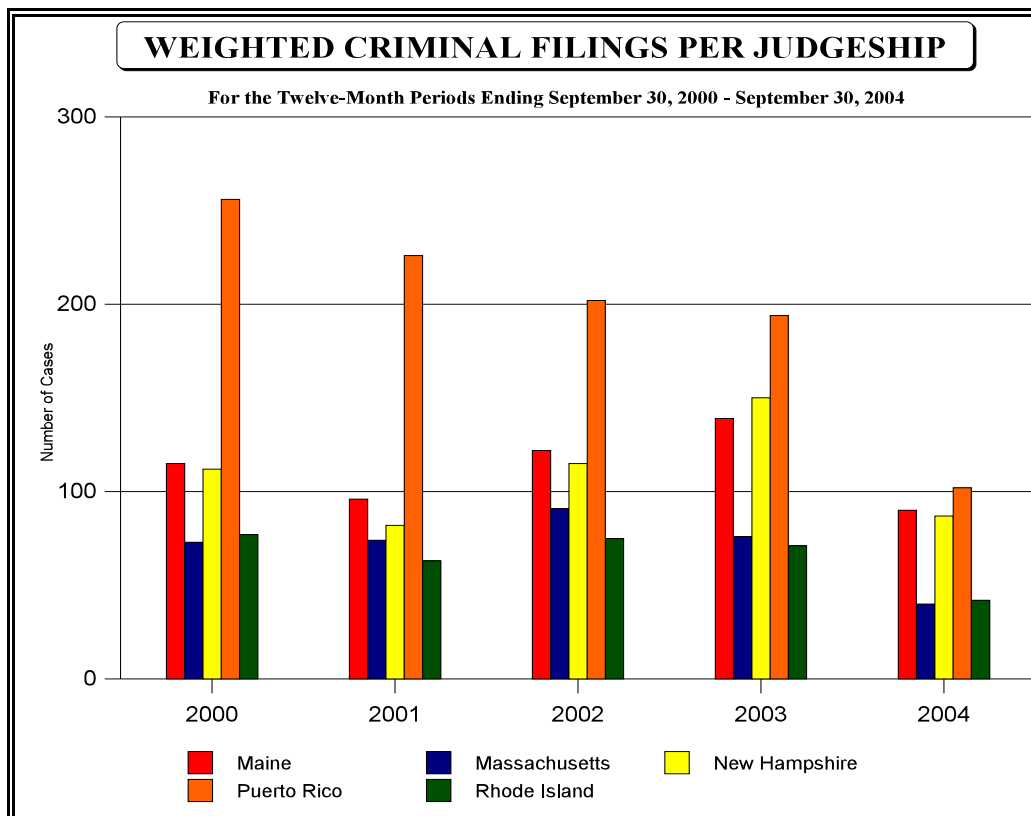
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2000 THROUGH 2004					
DISTRICTS	2000	2001	2002	2003*	2004
MAINE	169	178	172	218	224
MASSACHUSETTS	924	1,171	1,099	1,121	1,114
NEW HAMPSHIRE	163	150	168	209	220
PUERTO RICO	1,599	1,410	910	683	734
RHODE ISLAND	268	319	263	246	240

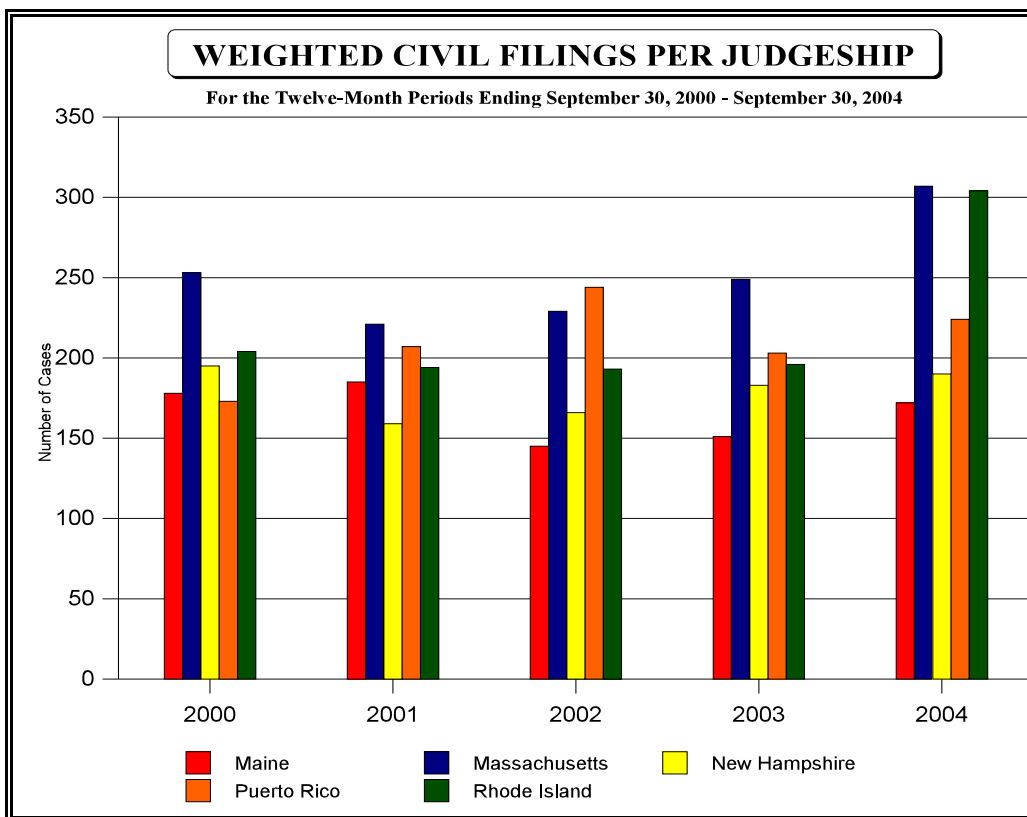
*TOTAL NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



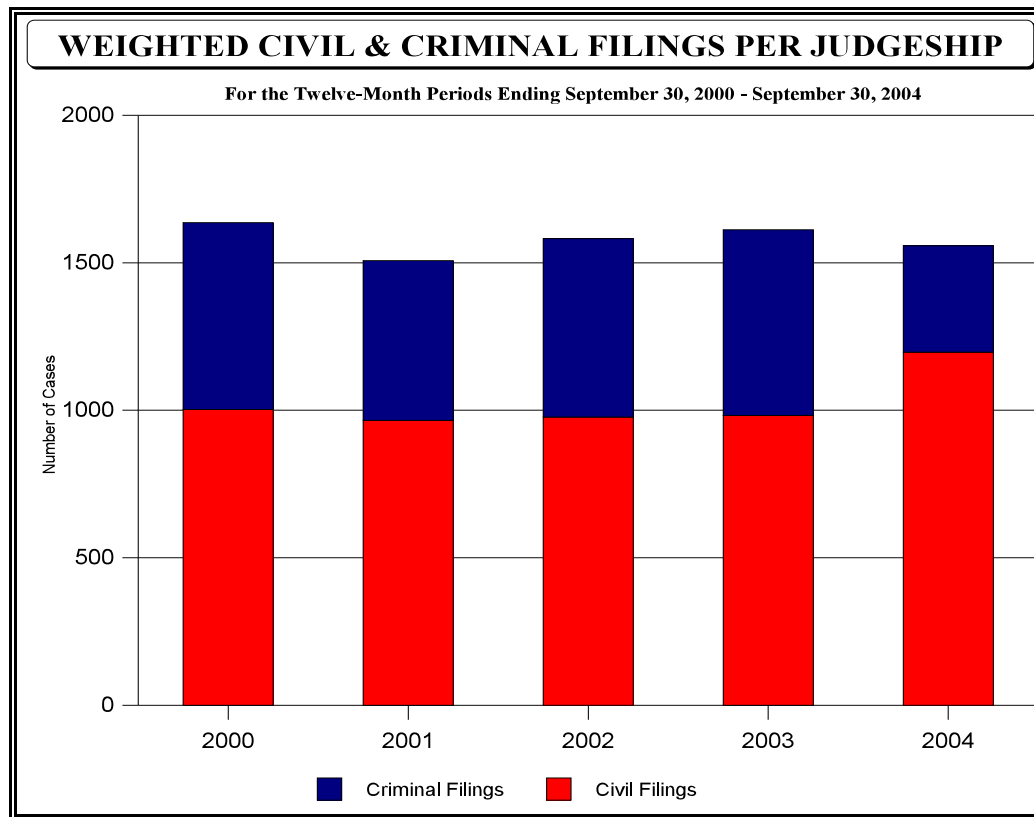
WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2000 THROUGH 2004						
DISTRICTS	JUDGESHIPS	2000	2001	2002	2003	2004
MAINE	3	115	96	122	139	90
MASSACHUSETTS	13	73	74	91	76	40
NEW HAMPSHIRE	3	112	82	115	150	87
PUERTO RICO	7	256	226	202	194	102
RHODE ISLAND	3	77	63	75	71	42

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2000 THROUGH 2004						
DISTRICTS	JUDGESHIPS	2000	2001	2002	2003	2004
MAINE	3	178	185	145	151	172
MASSACHUSETTS	13	253	221	229	249	307
NEW HAMPSHIRE	3	195	159	166	183	190
PUERTO RICO	7	173	207	244	203	224
RHODE ISLAND	3	204	194	193	196	304

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS

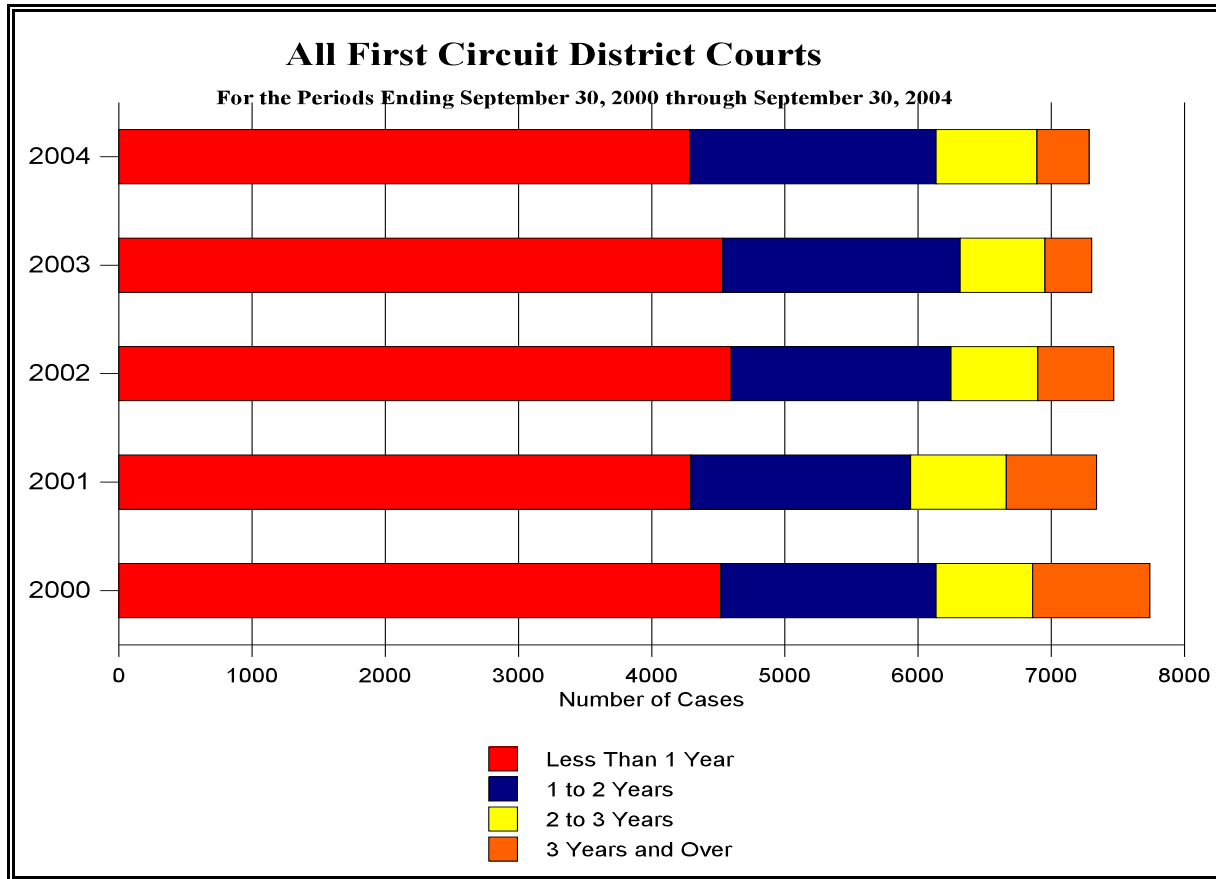


WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP					
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP					
FROM 2000 THROUGH 2004					
	2000	2001	2002	2003	2004
CIVIL FILINGS	1,003	966	977	982	1,197
CRIMINAL FILINGS	633	541	605	630	361
COMBINED TOTAL	1,636	1,507	1,582	1,612	1,558

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

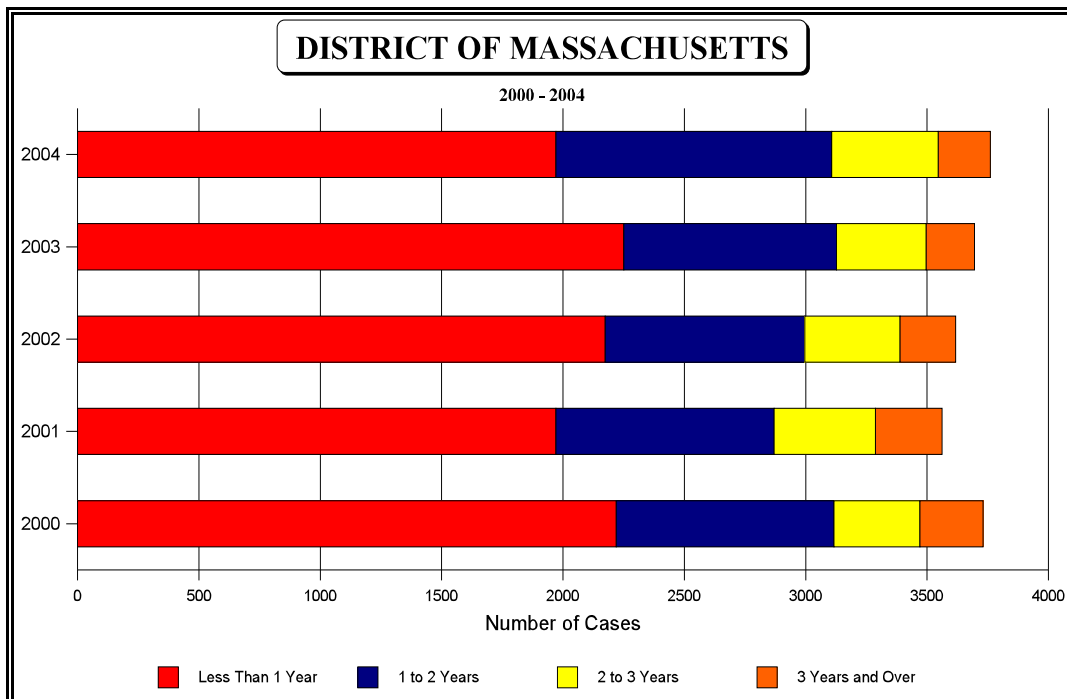
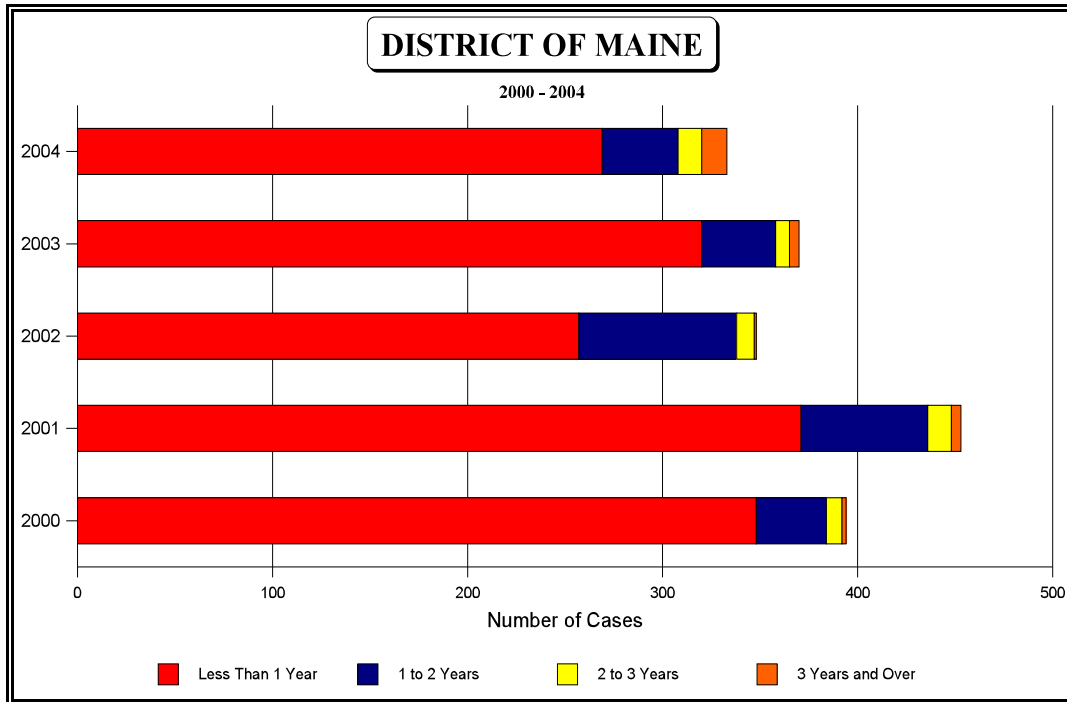
CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2000 THROUGH SEPTEMBER 30, 2004					
	2000	2001	2002	2003	2004
DISTRICT OF MAINE					
LESS THAN 1 YEAR	348	371	257	320	269
1 TO 2 YEARS	36	65	81	38	39
2 TO 3 YEARS	8	12	9	7	12
3 YEARS AND OVER	2	5	1	5	13
DISTRICT OF MASSACHUSETTS					
LESS THAN 1 YEAR	2,220	1,971	2,174	2,251	1,971
1 TO 2 YEARS	897	899	822	876	1,136
2 TO 3 YEARS	354	417	393	370	439
3 YEARS AND OVER	260	275	229	198	215
DISTRICT OF NEW HAMPSHIRE					
LESS THAN 1 YEAR	411	313	379	412	338
1 TO 2 YEARS	113	145	80	125	127
2 TO 3 YEARS	24	24	20	13	43
3 YEARS AND OVER	14	8	11	9	10
DISTRICT OF PUERTO RICO					
LESS THAN 1 YEAR	1,116	1,248	1,381	1,135	1,104
1 TO 2 YEARS	442	440	540	609	440
2 TO 3 YEARS	306	230	188	206	221
3 YEARS AND OVER	579	362	302	113	129
DISTRICT OF RHODE ISLAND					
LESS THAN 1 YEAR	425	388	406	415	603
1 TO 2 YEARS	126	103	126	134	109
2 TO 3 YEARS	33	36	42	42	41
3 YEARS AND OVER	26	28	27	26	24

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

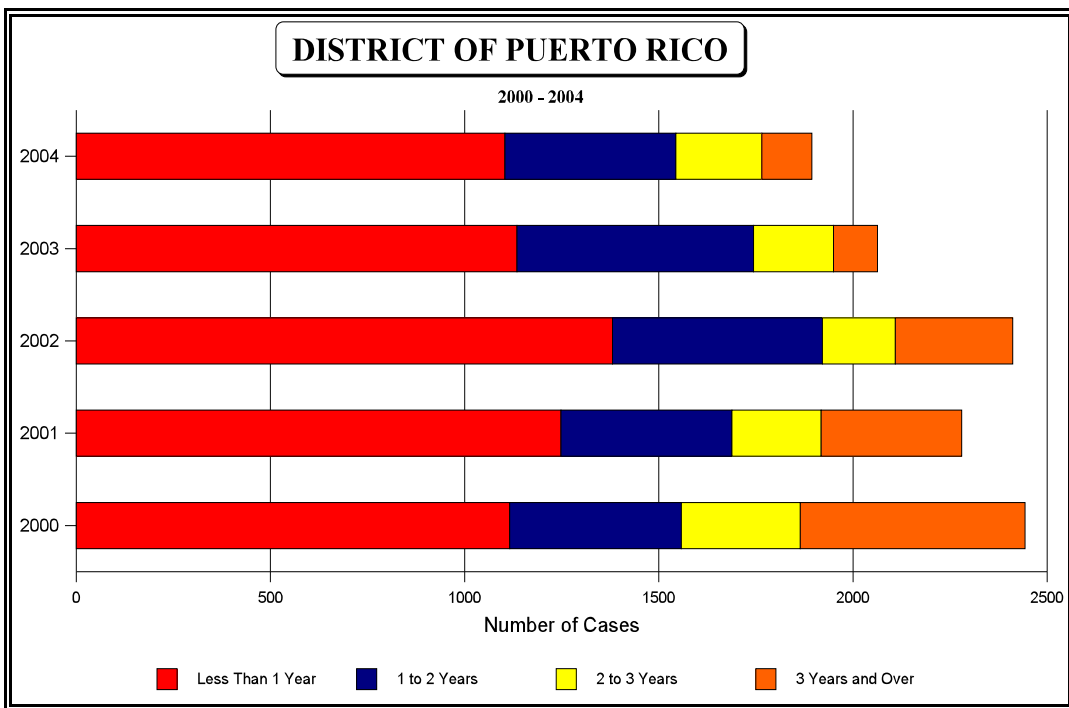
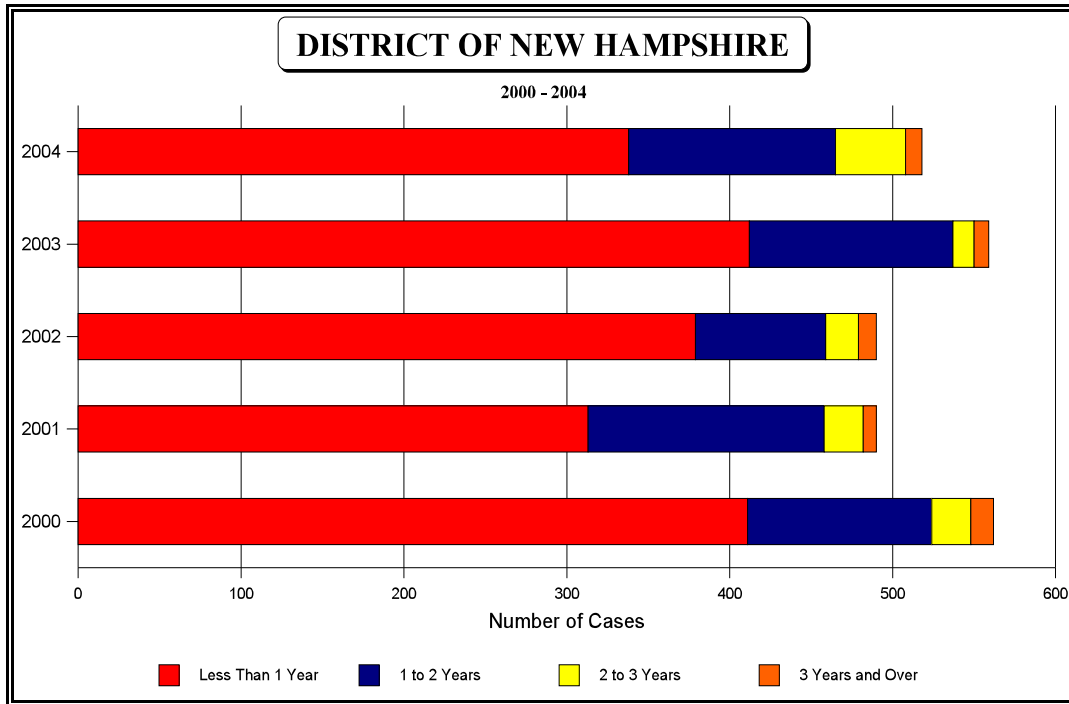


CIVIL CASES PENDING AND LENGTH FROM 2000 THROUGH 2004					
	2000	2001	2002	2003	2004
LESS THAN 1 YEAR	4,520 (58.4%)	4,291 (58.5%)	4,597 (61.6%)	4,533 (62.1%)	4,285 (58.8%)
1 TO 2 YEARS	1,614 (20.9%)	1,652 (22.5%)	1,649 (22.1%)	1,782 (24.4%)	1,851 (25.4%)
2 TO 3 YEARS	725 (9.4%)	719 (9.8%)	652 (8.7%)	638 (8.7%)	756 (10.4%)
3 YEARS AND OVER	881 (11.4%)	678 (9.2%)	570 (7.6%)	351 4.8%)	391 (5.4%)

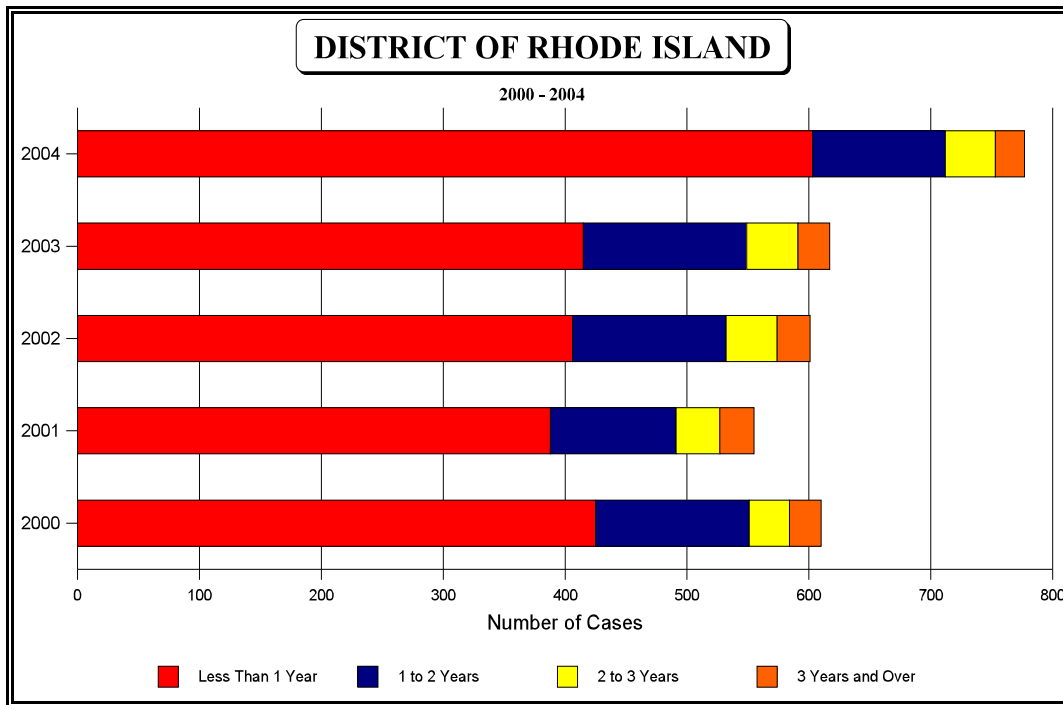
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

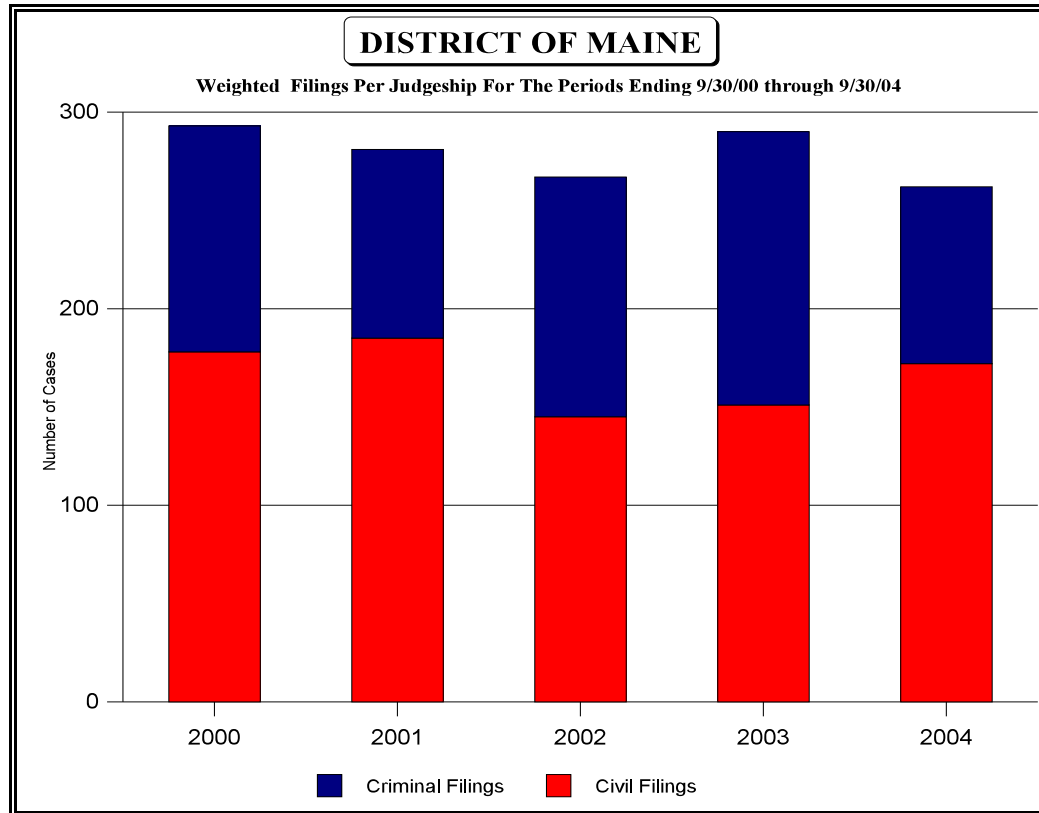


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



STATISTICS
DISTRICT OF MAINE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE
AUTHORIZED JUDGESHIPS

1789 • 1

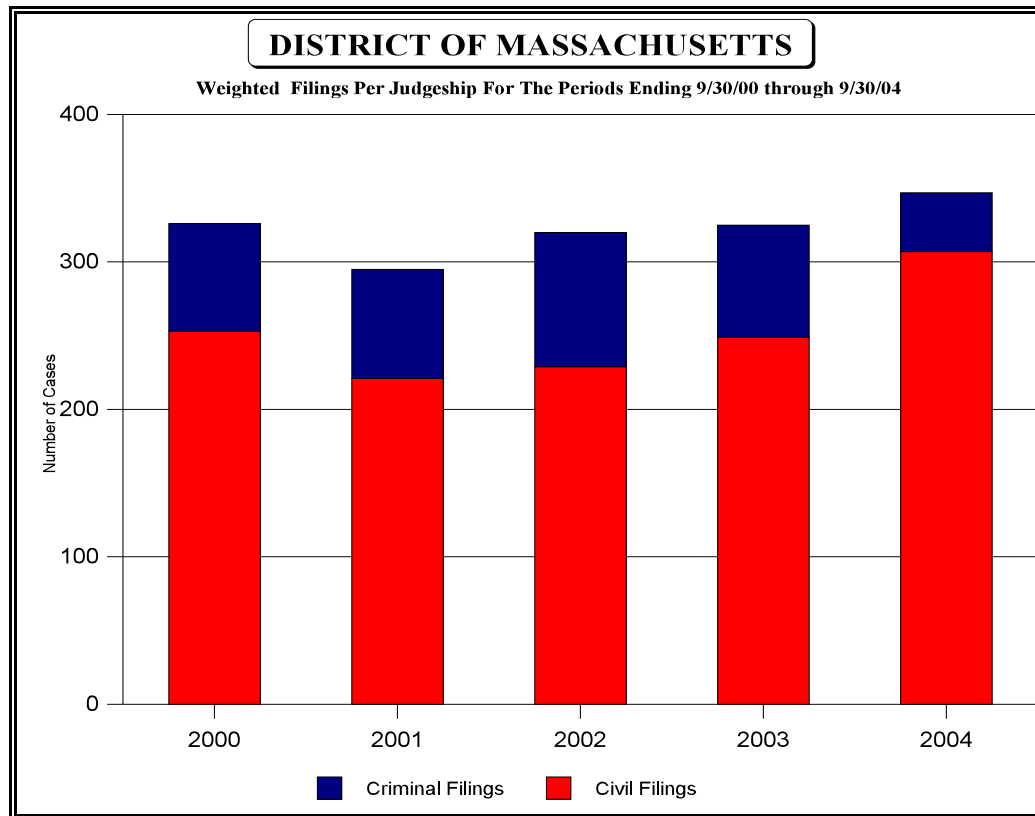
1978 • 2

1990 • 3

DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2000 - 2004					
	2000	2001	2002	2003	2004
CIVIL FILINGS	178	185	145	151	172
CRIMINAL FILINGS	115	96	122	139	90
TOTAL FILINGS	293	281	267	290	262

STATISTICS
DISTRICT OF
MASSACHUSETTS

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



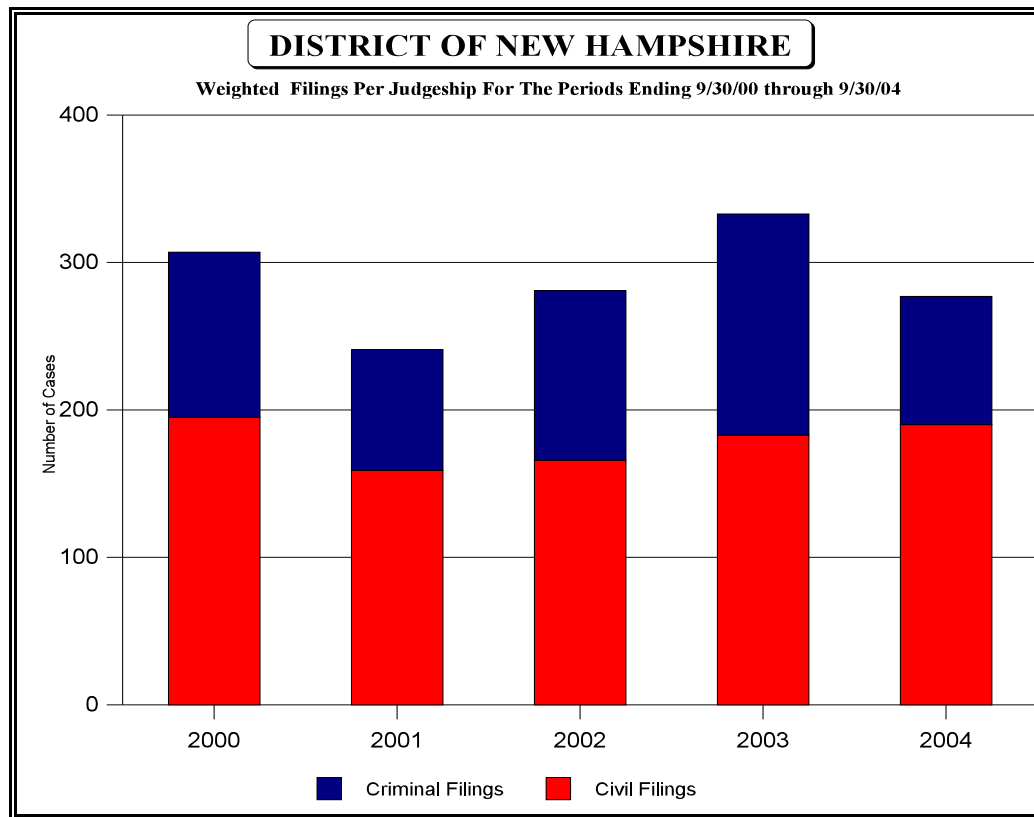
United States District Court for the District of Massachusetts Authorized Judgeships

1789 • 1	1922 • 2	1938 • 4	1954 • 5
1961 • 6	1978 • 10	1984 • 12	1990 • 13

DISTRICT OF MASSACHUSETTS WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2000 - 2004					
	2000	2001	2002	2003	2004
CIVIL FILINGS	253	221	229	249	307
CRIMINAL FILINGS	73	74	91	76	40
TOTAL FILINGS	326	295	320	325	347

STATISTICS
DISTRICT OF
NEW HAMPSHIRE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of New Hampshire Authorized Judgeships

1789 • 1

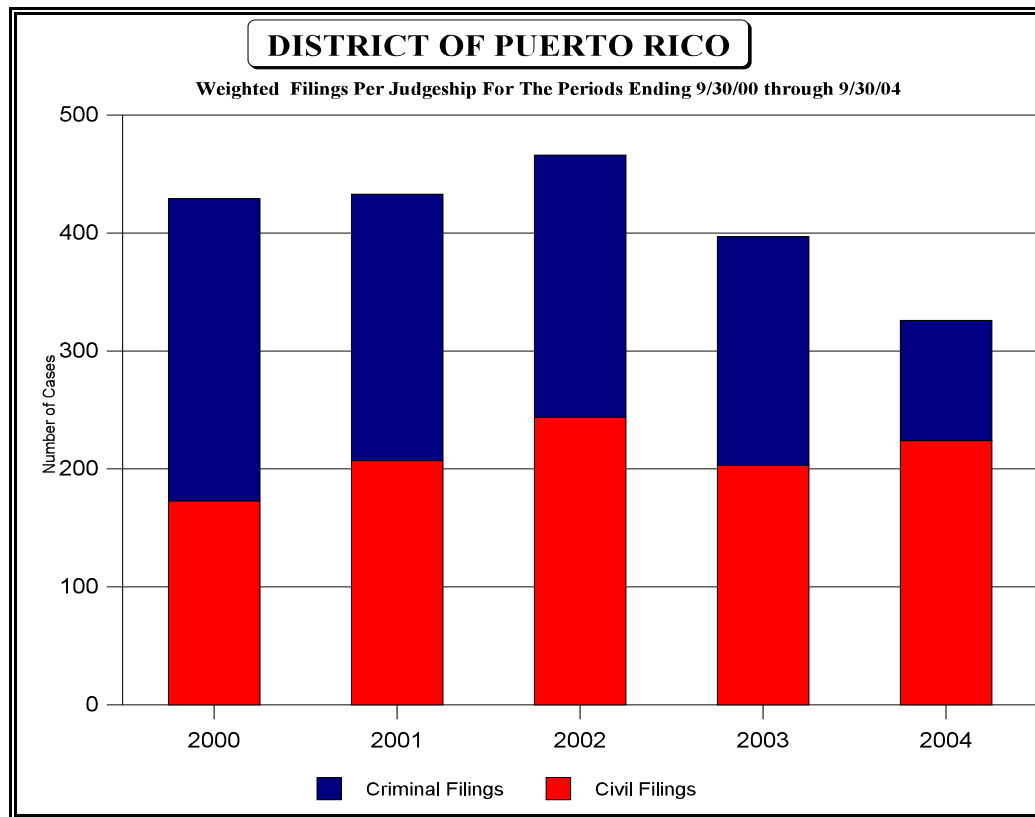
1978 • 2

1990 • 3

DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2000 - 2004					
	2000	2001	2002	2003	2004
Civil Filings	195	159	166	183	190
Criminal Filings	112	82	115	150	87
Total Filings	307	241	281	333	277

STATISTICS
DISTRICT OF
PUERTO RICO

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Puerto Rico Authorized Judgeships

1917 • 1

1961 • 2

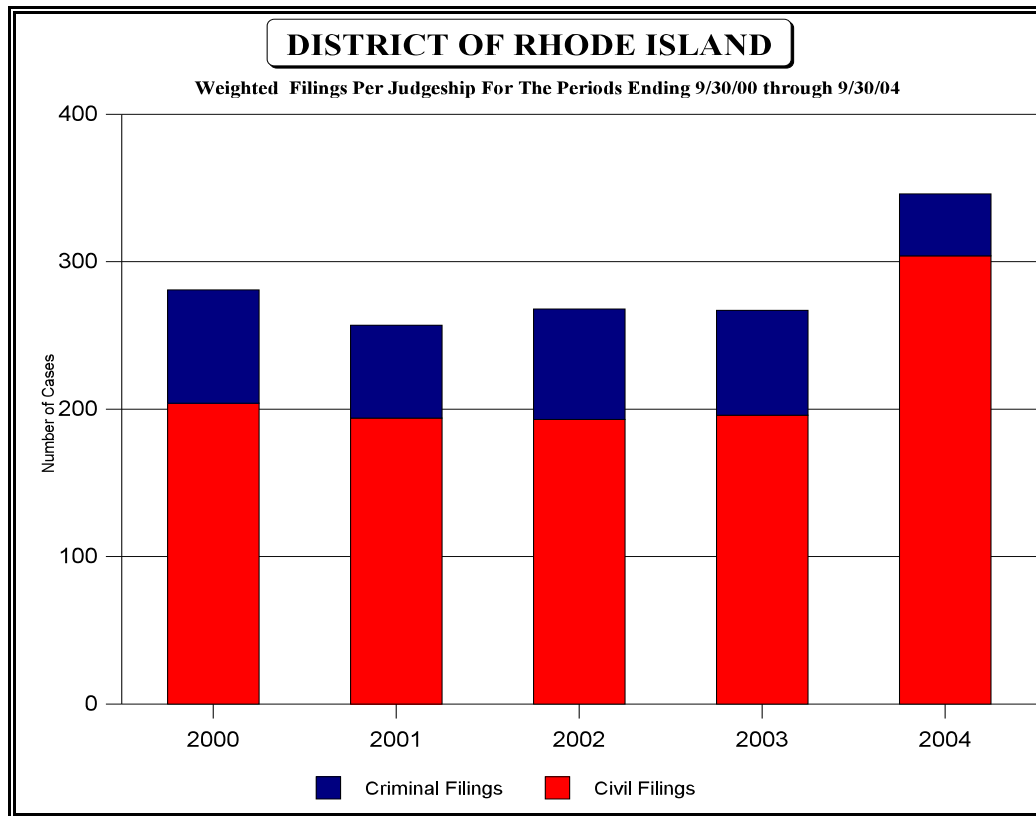
1970 • 3

1978 • 7

DISTRICT OF PUERTO RICO WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 2000 - 2004					
	2000	2001	2002	2003	2004
CIVIL FILINGS	173	207	244	203	224
CRIMINAL FILINGS	256	226	222	194	102
TOTAL FILINGS	429	433	466	397	326

STATISTICS
DISTRICT OF
RHODE ISLAND

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Rhode Island Authorized Judgeships

1790 • 1

1966 • 2

1984 • 3

DISTRICT OF RHODE ISLAND WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIODS ENDING SEPTEMBER 30, 1999 - 2003					
	2000	2001	2002	2003	2004
CIVIL FILINGS	204	194	193	196	304
CRIMINAL FILINGS	77	63	75	71	42
TOTAL FILINGS	281	257	268	267	346

STATISTICS

FIRST CIRCUIT

BANKRUPTCY COURTS

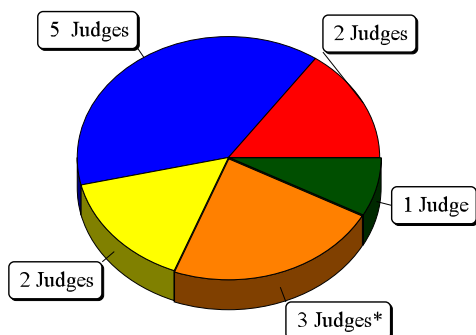
BANKRUPTCY CASELOAD SUMMARY

FIRST CIRCUIT BANKRUPTCY COURTS

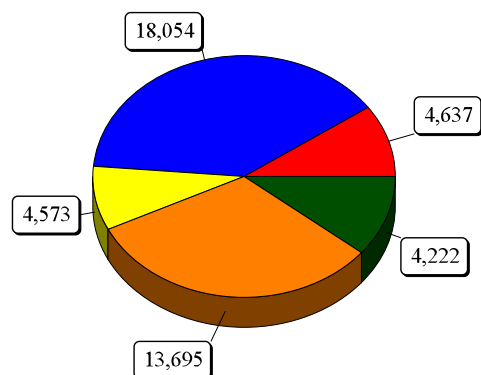
BANKRUPTCY JUDGESHIPS & CASES FILED

All Bankruptcy Courts within the First Circuit as of September 30, 2004

Number of Judges



Number of Cases Filed



<div style="display: inline-block; width: 15px; height: 15px; background-color: red; margin-right: 5px;"></div> District of Maine	<div style="display: inline-block; width: 15px; height: 15px; background-color: blue; margin-right: 5px;"></div> District of Massachusetts	<div style="display: inline-block; width: 15px; height: 15px; background-color: yellow; margin-right: 5px;"></div> District of New Hampshire
<div style="display: inline-block; width: 15px; height: 15px; background-color: orange; margin-right: 5px;"></div> District of Puerto Rico	<div style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></div> District of Rhode Island	

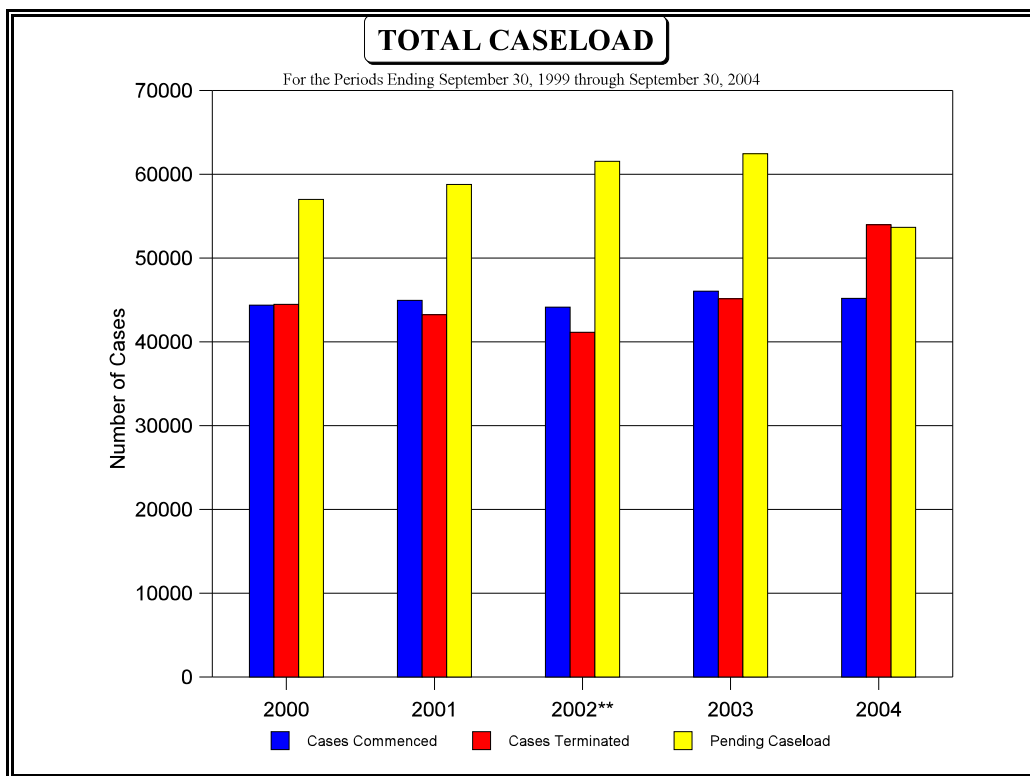
NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2004

	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	4,637
DISTRICT OF MASSACHUSETTS	5	18,054
DISTRICT OF NEW HAMPSHIRE	2	4,573
DISTRICT OF PUERTO RICO	3*	13,695
DISTRICT OF RHODE ISLAND	1	4,222
FIRST CIRCUIT TOTALS	13	45,181

*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

BANKRUPTCY CASELOAD SUMMARY

FIRST CIRCUIT BANKRUPTCY COURTS



Authorized Judgeships 14*

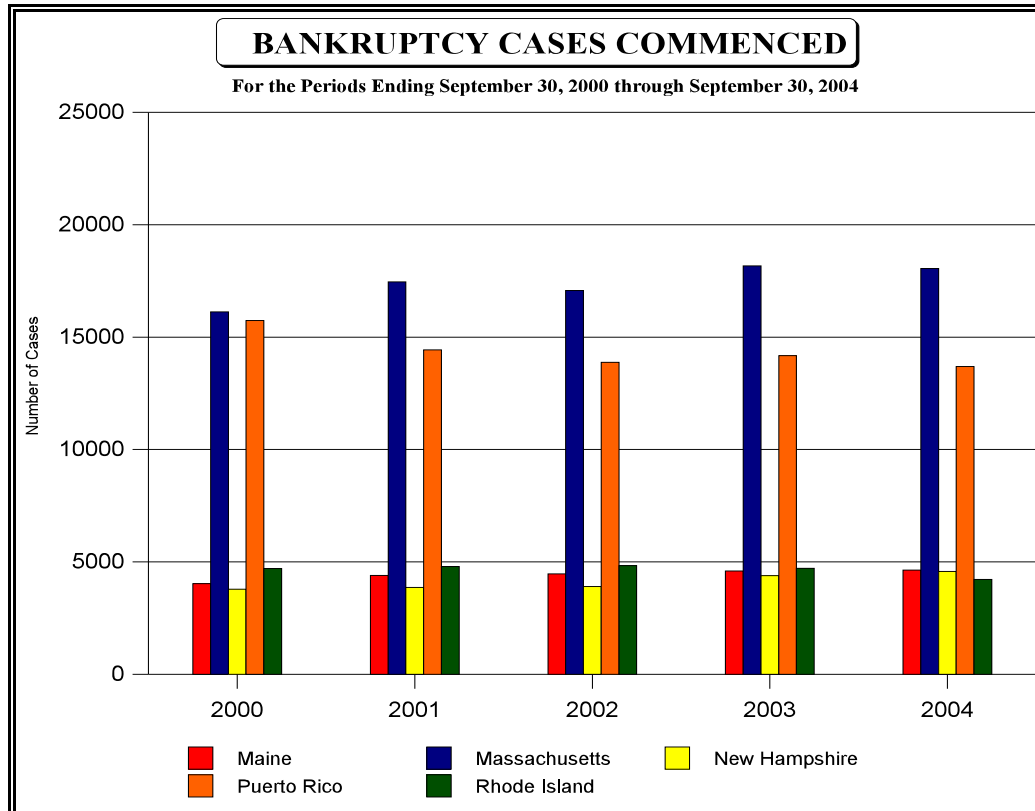
TOTAL BANKRUPTCY CASES 2000 - 2004

	2000	2001	2002	2003**	2004
CASES COMMENCED	44,387	44,949	44,149	46,047	45,181
CASES TERMINATED	44,484	43,245	41,140	45,150	53,980
PENDING CASELOAD	56,998	58,789	61,554	62,451	53,674

*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

**PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

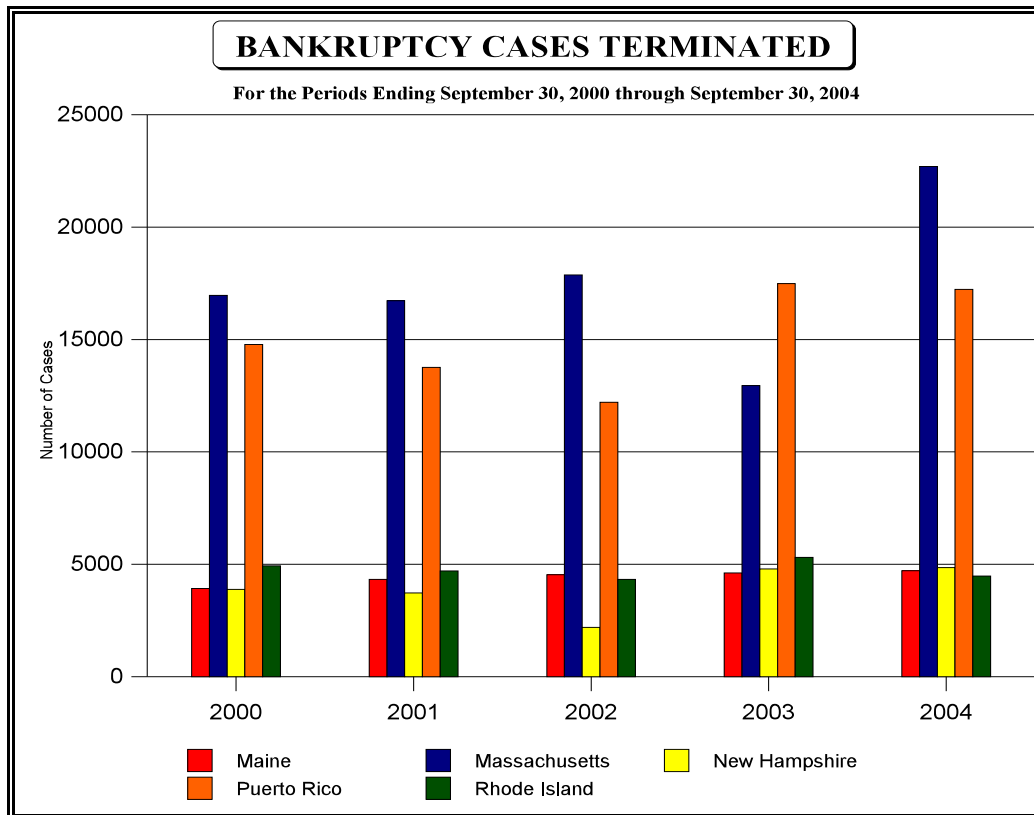
BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES COMMENCED FROM 2000 THROUGH 2004

DISTRICTS	2000	2001	2002	2003	2004
MAINE	4,036	4,400	4,467	4,593	4,637 (+1.0%)
MASSACHUSETTS	16,125	17,455	17,069	18,174	18,054 (-.7%)
NEW HAMPSHIRE	3,784	3,869	3,903	4,390	4,573 (+4.2%)
PUERTO RICO	15,740	14,435	13,880	14,178	13,695 (-3.4%)
RHODE ISLAND	4,702	4,790	4,830	4,712	4,222 (-10.4%)

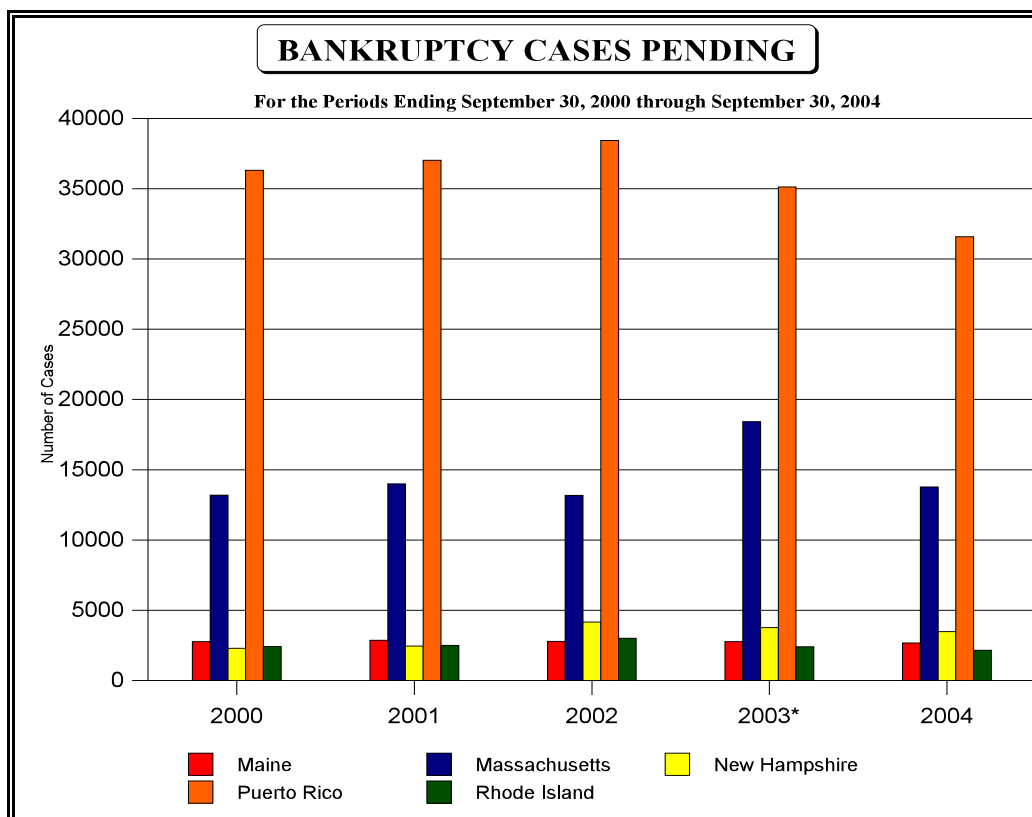
BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES TERMINATED 2000 - 2004

DISTRICTS	2000	2001	2002	2003	2004
MAINE	3,925	4,326	4,538	4,617	4,718
MASSACHUSETTS	16,961	16,726	17,874	12,946	22,694
NEW HAMPSHIRE	3,889	3,728	2,193	4,790	4,857
PUERTO RICO	14,781	13,759	12,210	17,489	17,229
RHODE ISLAND	4,928	4,706	4,325	5,308	4,482

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES PENDING 2000 - 2004

DISTRICTS	2000	2001	2002	2003*	2004
MAINE	2,773	2,861	2,784	2,760	2,679
MASSACHUSETTS	13,193	13,998	13,172	18,419	13,779
NEW HAMPSHIRE	2,300	2,446	4,159	3,760	3,476
PUERTO RICO	36,317	37,026	38,436	35,124	31,590
RHODE ISLAND	2,415	2,498	3,003	2,410	2,150

*PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

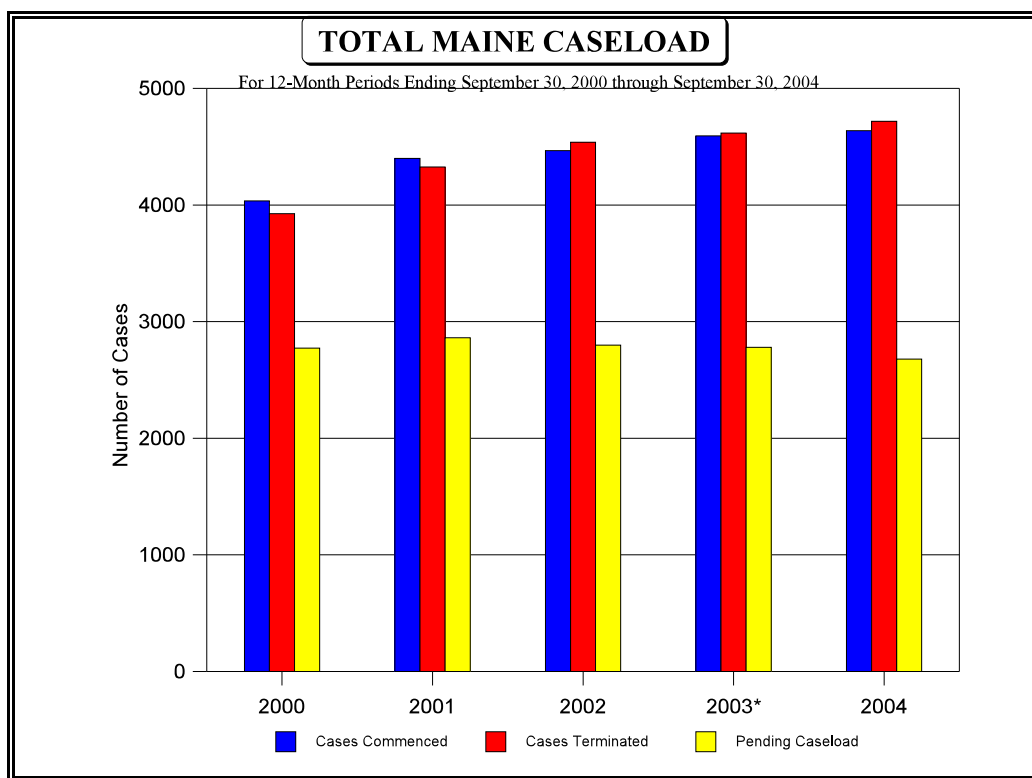
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF MAINE

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF MAINE



Authorized Judgeships 2

TOTAL BANKRUPTCY CASES 2000 - 2004

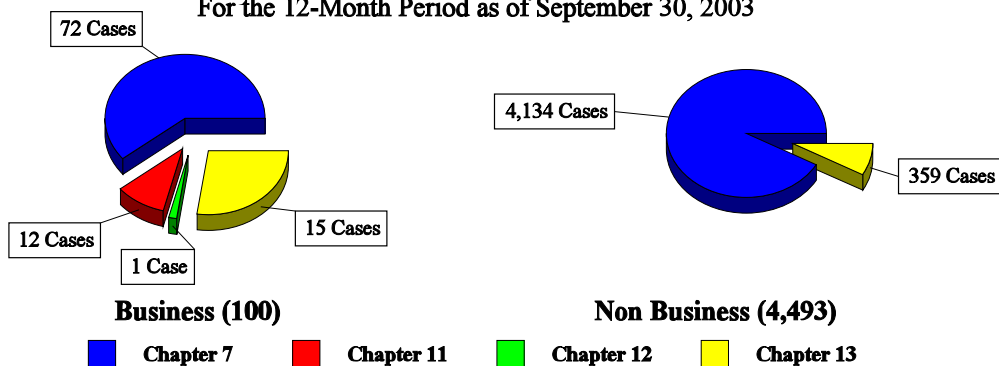
	2000	2001	2002	2003*	2004
CASES COMMENCED	4,036	4,400	4,467	4,593	4,637
CASES TERMINATED	3,925	4,326	4,538	4,617	4,718
PENDING CASELOAD	2,773	2,861	2,798	2,780	2,679

*PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE

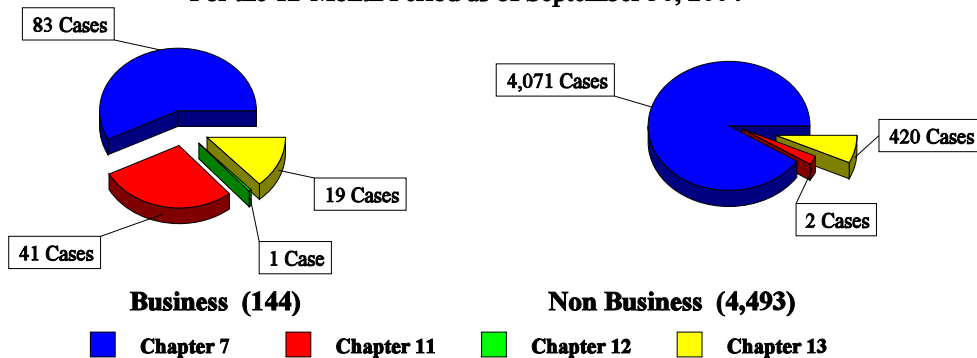
2003 Bankruptcy Filings

For the 12-Month Period as of September 30, 2003



2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004

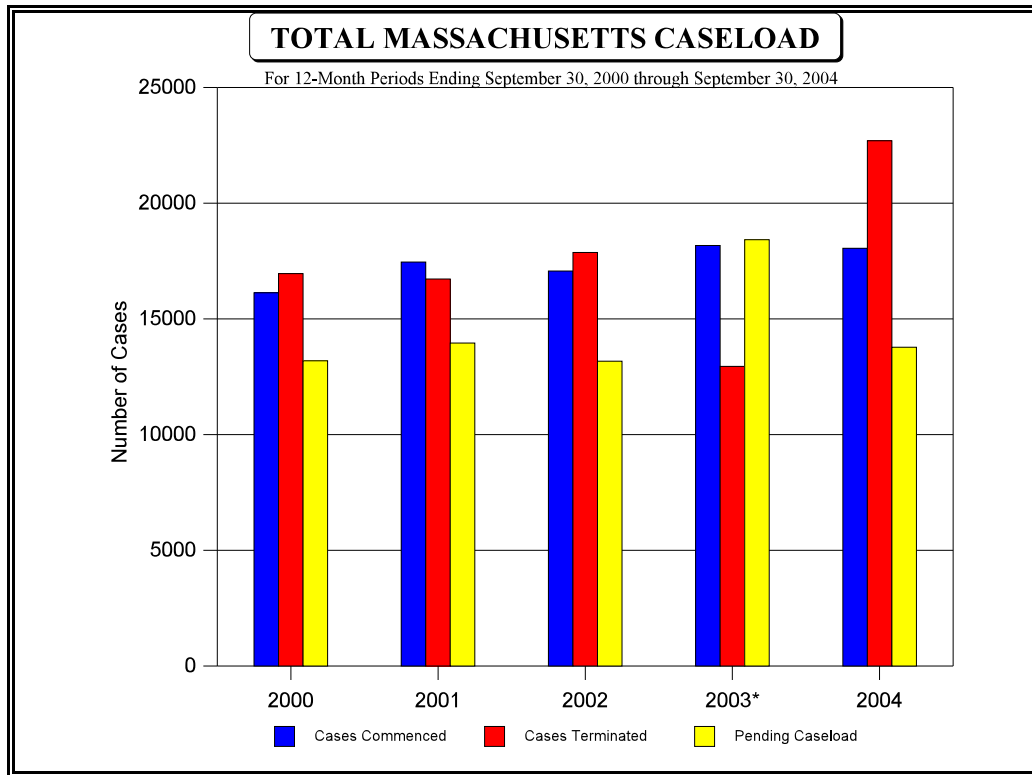


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
MASSACHUSETTS

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



Authorized Judgeships 5

TOTAL BANKRUPTCY CASES 2000 - 2004

	2000	2001	2002	2003*	2004
CASES COMMENCED	16,125	17,455	17,069	18,174	18,054
CASES TERMINATED	16,961	16,726	17,874	12,946	22,694
PENDING CASELOAD	13,193	13,958	13,172	18,419	13,779

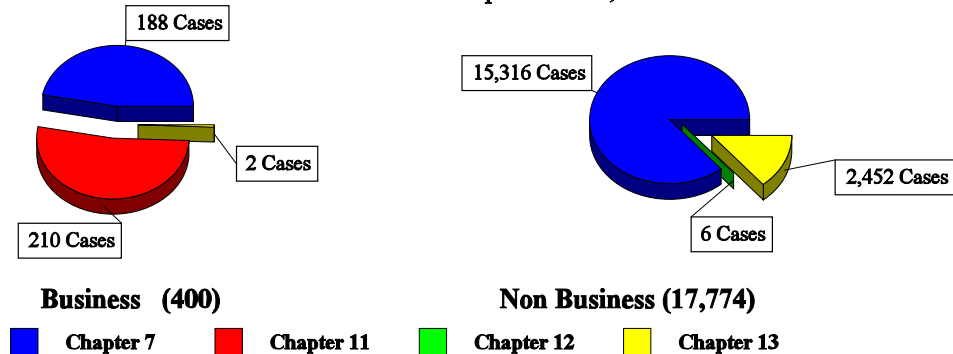
*PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF MASSACHUSETTS

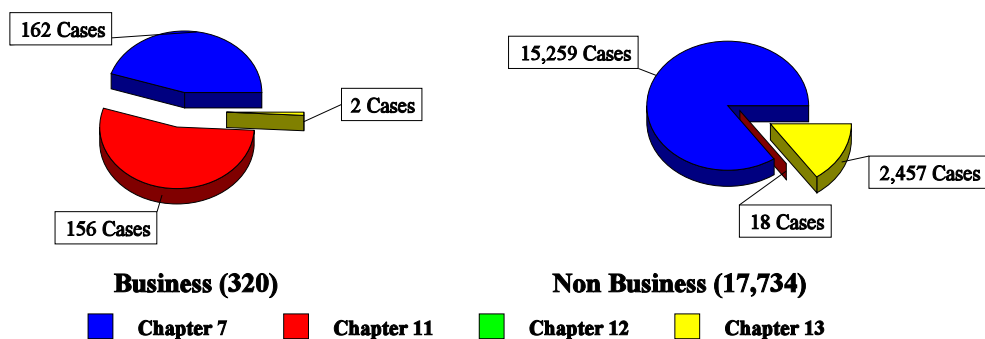
2003 Bankruptcy Filings

For the 12-Month Period as of September 30, 2003



2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



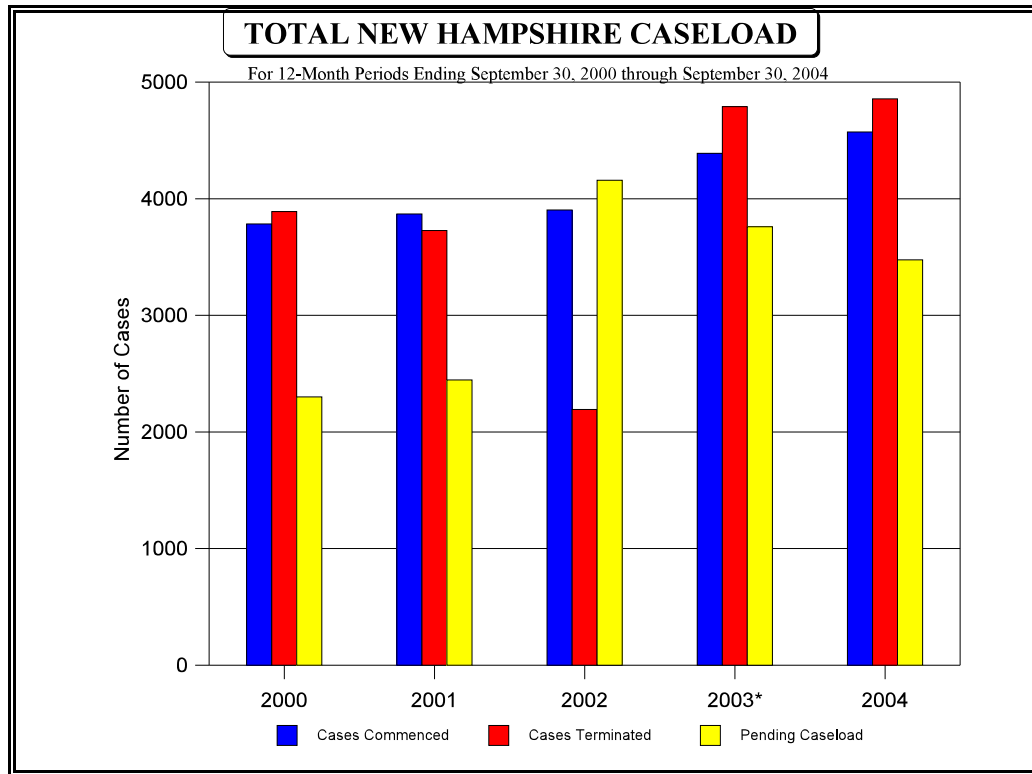
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
NEW HAMPSHIRE

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF NEW HAMPSHIRE



Authorized Judgeships 2

TOTAL BANKRUPTCY CASES 2000 - 2004

	2000	2001	2002	2003*	2004
CASES COMMENCED	3,784	3,869	3,903	4,390	4,573
CASES TERMINATED	3,889	3,728	2,193	4,790	4,857
PENDING CASELOAD	2,300	2,446	4,159	3,760	3,476

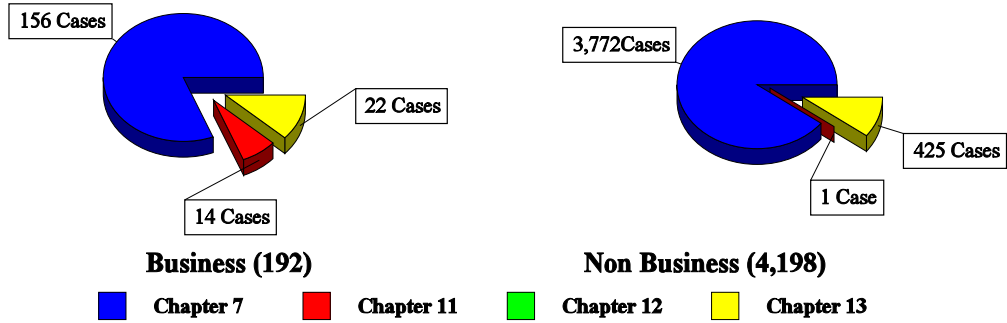
*PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF NEW HAMPSHIRE

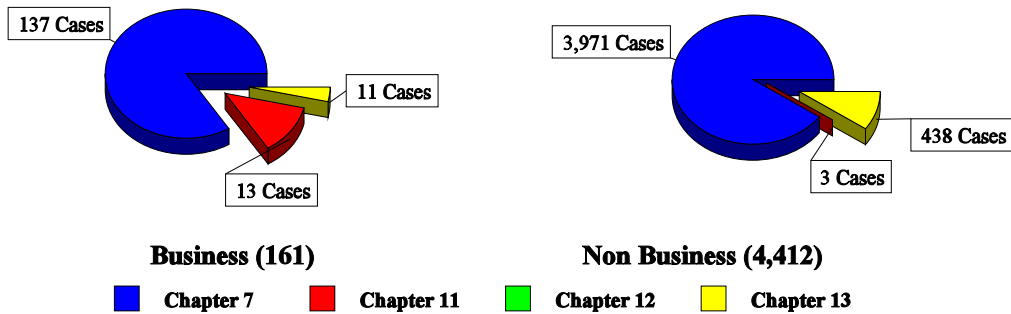
2003 Bankruptcy Filings

For the 12-Month Period as of September 30, 2003



2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004



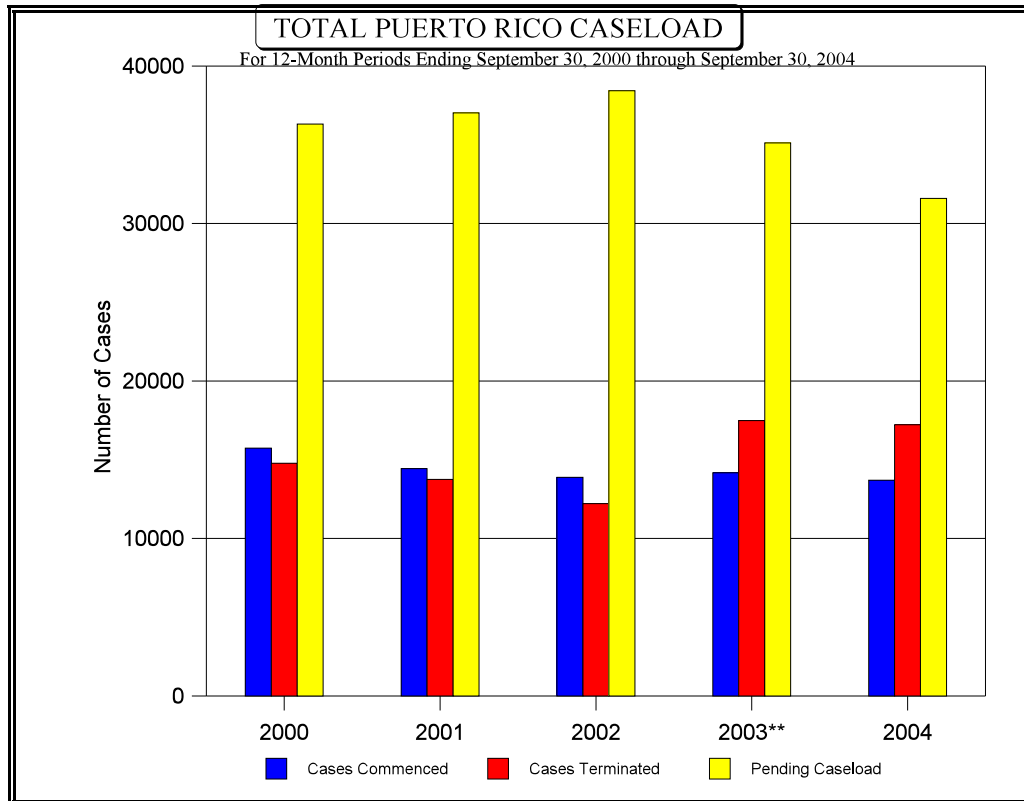
STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
PUERTO RICO

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF PUERTO RICO



Authorized Judgeships 4*

TOTAL BANKRUPTCY CASES 2000 - 2004

	2000	2001	2002	2003**	2004
CASES COMMENCED	15,740	14,435	13,880	14,178	13,695
CASES TERMINATED	14,781	13,759	12,210	17,489	17,229
PENDING CASELOAD	36,317	37,026	38,436	35,124	31,590

*A FOURTH JUDGESHIP HAS BEEN AUTHORIZED IN THE DISTRICT OF PUERTO RICO. THE POSITION HAS NOT YET BEEN FILLED.

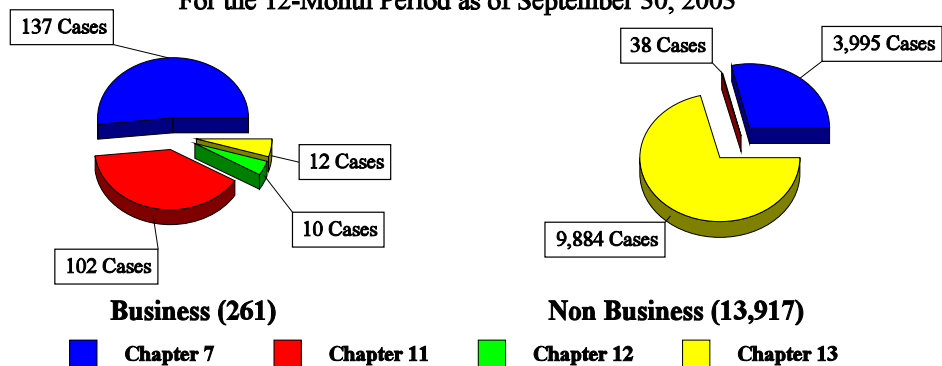
**PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF PUERTO RICO

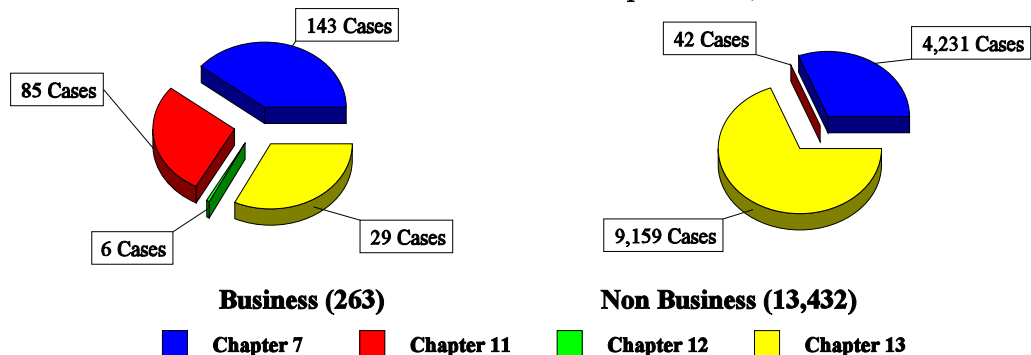
2003 Bankruptcy Filings

For the 12-Month Period as of September 30, 2003



2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004

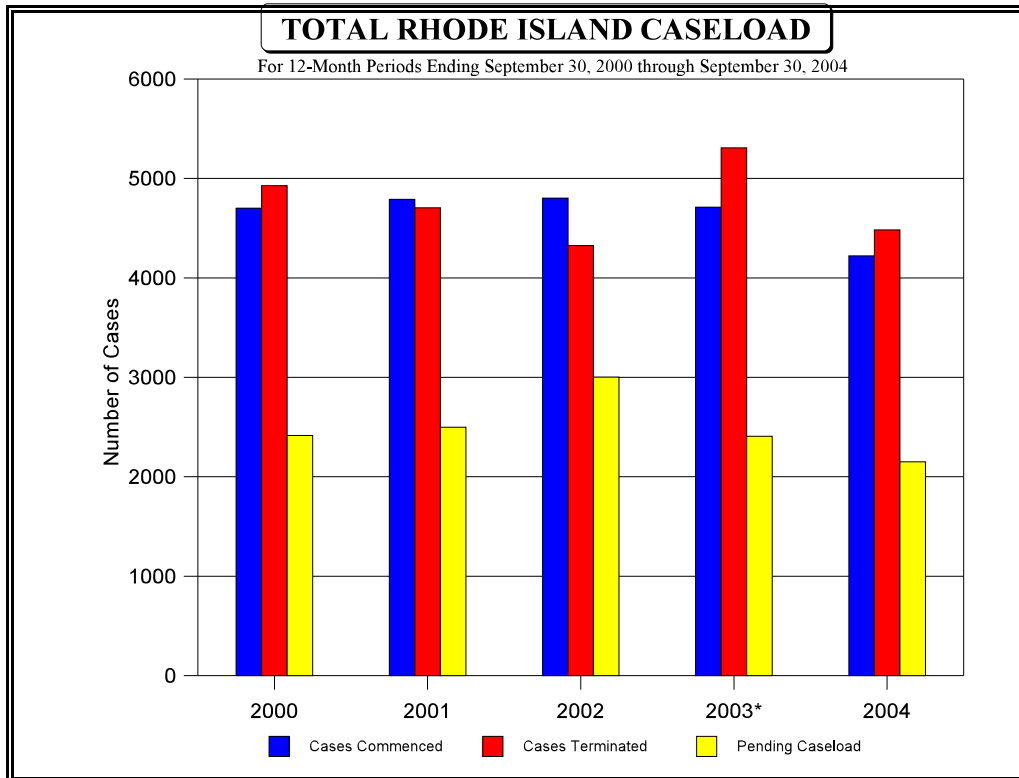


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
RHODE ISLAND

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND



Authorized Judgeships 1

TOTAL BANKRUPTCY CASES 2000 - 2004

	2000	2001	2002	2003*	2004
CASES COMMENCED	4,702	4,790	4,803	4,712	4,222
CASES TERMINATED	4,928	4,706	4,325	5,308	4,482
PENDING CASELOAD	2,415	2,499	3,003	2,410	2,150

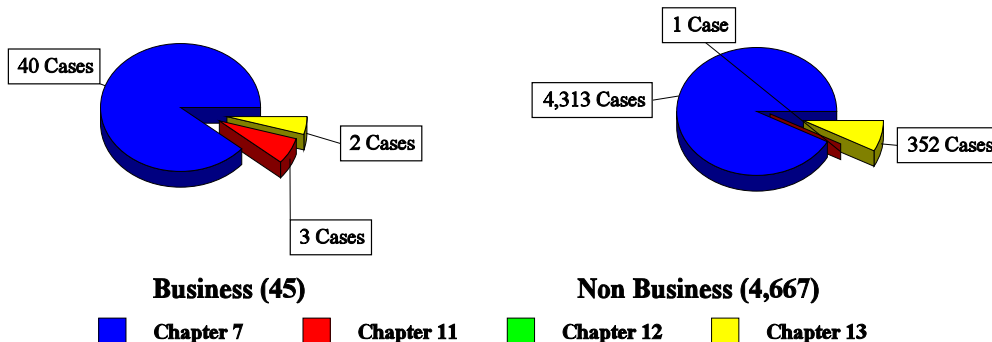
*PENDING CASELOAD IN 2003 REVISED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF RHODE ISLAND

2003 Bankruptcy Filings

For the 12-Month Period as of September 30, 2003



2004 Bankruptcy Filings

For the 12-Month Period as of September 30, 2004

